

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Incident Date: April 7, 2012
Statute Date: April 6, 2013

EXECUTIVE FORCE REVIEW

CONFIDENTIAL

IAB #FO2310693

UNIT COMMANDER RESPONSE

1. **Complete the form including the following signatures:**
   a. **All involved personnel**
   b. **Supervisors who advised involved deputies of these findings**
   c. **Unit Commander**
2. **If training was ordered for involved personnel, see "Training Attended" section.**
3. **Return this form to the Executive Force Review Committee sergeant at IAB.**

Incident Date:	April 7, 2012	**Action Taken by Unit** *(briefing, counseling, training, etc.)*
Unit:	Temple Station	[redacted]
Incident:	Significant Force	
File #:	FO2310693	CAPTAIN NEE MEET WITH EACH INVOLVED DEPUTY AND DEBRIEFED THE THE INCIDENT AND DISCUSSED OTHER FORCE OPTIONS.
EFRC Date:	March 14, 2013	

The results of the Executive Force Review Committee's review of the above listed case was discussed with me.

Signature	*Print Name*	*Date*	*Supervisor's Signature*
[signature]	SCOTT BERNER	08-20-13	Christopher P Nee
[redacted]	[redacted]	08-20-13	Christopher P Nee
[redacted]	[redacted]	08/21/13	Christopher P Nee
[signature]	VANCE, BRIAN	8/21/13	Christopher P Nee
[redacted]	[redacted]	08/31/13	Christopher P Nee

Unit Commander's Signature: Christopher P Nee **Date:** 8/31/13

Training Attended

1. Personnel shall attend applicable training within 45 days.
2. A copy of the *APIS Roster* with names of attending personnel *shall be submitted with this form.*
3. Submit all paperwork to IAB within 60 days of the Force Review.

Training	*Hours*	*Date*	
[redacted]	8	7/2/13	[redacted]
[redacted]	8	7/2/13	

Training - Deputy Vance

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: March 18, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
FIELD OPERATIONS REGION I

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2310693
Incident:	Significant Force
Incident Date:	April 7, 2012
Unit:	Temple Station
Suspect:	Jimmy Van Dang, MA/07-01-83
Involved Employees:	Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy Brian Vance, #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	March 14, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, David Fender, and Stephen Johnson met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Peace officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent escape, or overcome resistance.

FINDINGS:

Temple Station deputies responded to an attempted residential burglary. They established a containment with the assistance of an Aero Bureau airship. Personnel in the airship identified a location where they observed the suspect running through a backyard toward the deputies' containment.

The suspect who had stripped off most of his clothing, initially obeyed verbal commands from the deputies to show his hands and lay on the ground, but then began to run from deputies toward the rear of a residence which could have resulted in a foot pursuit, barricaded suspect situation, or possibly hostage situation. A Taser was deployed twice on the suspect and determined to be effective, allowing deputies to make physical contact in detaining the suspect. The suspect struggled with deputies as they attempted to handcuff him. During the struggle, the suspect was punched twice in the face. The punches were effective, but resulted in a [redacted] to the suspect's [redacted] The suspect was taken into custody.

The EFRC determined the force used to control the uncooperative and resistive suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used by the involved personnel were within Department policy.

RECOMMENDATIONS:

The EFRC recommended Deputy Brian Vance, [redacted] attend the eight-hour Tactical Leadership class, also known as Tactics and Survival training (TAS III).

Additionally, the EFRC recommended the unit commander, Captain Christopher P. Nee, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident and specifically address other force options available to the deputies.

BG:JER:jer

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: March 18, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BUDDY GOLDMAN, COMMANDER
FIELD OPERATIONS REGION I

TO: CHRISTOPHER P. NEE, CAPTAIN
TEMPLE STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2310693
Incident:	Significant Force
Incident Date:	April 7, 2012
Unit:	Temple Station
Suspect:	Jimmy Van Dang, MA/07-01-83
Involved Employees:	Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy Brian Vance, #[redacted] Deputy [redacted] #[redacted]
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The EFRC determined the force used to control the uncooperative and resistive suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used by the involved personnel were within Department policy.

RECOMMENDATIONS:

The EFRC recommended Deputy Brian Vance, [redacted] attend the eight-hour Tactical Leadership class, also known as [redacted].

Additionally, the EFRC recommended the unit commander, Captain Christopher P. Nee, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident and specifically address other force options available to the deputies.

BG:JER:jer



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Department Notification Date: April 7, 2012
One Year Statute Date: April 6, 2013

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

2/27/13

F023106993

CONFIDENTIAL

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AUDIO/VIDEO TRACKING SHEET

SUPERVISOR'S REPORT ON USE OF FORCE

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

Deputy Scott Berner

Deputy Brian Vance

Deputy [redacted]

Deputy [redacted]

Deputy [redacted]

Suspect Dang

EXHIBITS

A. Supervisor's Report on Use of Force

B. Temple Station's Incident Record

C. Temple Station Incident Report and Supplemental Reports

D. Criminal History for Suspect Dang

E. Radio traffic of incident

F. Taser activation log

G. CD of Suspect Dang's interview and photographs of his injuries

H. Photographs of scene

MISCELLANEOUS DOCUMENTS

- Medical paperwork for Suspect Dang

- Administrative Rights forms
- Internal Affairs Bureau notification form
- Miscellaneous documents

AUDIO/VIDEO TRACKING SHEET

INTERNAL AFFAIRS BUREAU
- Audio/Video Tracking Sheet -

IAB FO2310693

Investigator's Name:	Sergeant Richard Martinez
Total number of DVD's:	0
Total number of compact discs:	2
Total number of digital audio files:	7

DIGITAL AUDIO FILES

Job Number	Name
36669	Deputy Berner
36648	Deputy Vance
36650	Deputy [redacted]
36649	Deputy [redacted]
36651	Deputy [redacted]
36882	Suspect Dang
36876	Suspect Dang

COMPACT DISCS

Exhibit	Contents
D	(1) CD-R containing radio transmission
F	(1) CD-R containing suspect interview

SHERIFF'S DEPARTMENT SUPERVISOR'S REPORT ON USE OF FORCE

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 912-03805-0524-064 | Date: 4/7/12 | Time: 1802

Location: [redacted] Heleo Avenue | City or Station: Temple

Bureau/Station/Facility: FOR I/ Temple Station | Admin. Investigation: YES ☐ NO ☒

Type of Force: SIGNIFICANT / TASER / PERSONAL WEAPONS-FISTS / CONTROL TECHNIQUES /

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☒ Call ☐ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Vaughan | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Vance	Brian	

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: FOR I/ Temple Station | Work Assignment (Unit #, Module, etc.): 54/PM

Shift: [redacted] | [redacted] | Age: 38 | Height: 607 | Weight: 225

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case # | Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: FOR I/ Temple Station | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] | [redacted] | Age: 37 | Height: 602 | Weight: 200

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case # | Directed Force ☐ Significant Force ☐

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: A | Unit of Assignment: FOR I/ Temple Station | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] | [redacted] | Age: 26 | Height: 511 | Weight: 185

☐ Injured ☐ Treated ☐ Admitted Hospital: ____ | Coroner Case # | Directed Force ☐ Significant Force ☐

☒ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Long	James	Patrick	SGT	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Harris	Thomas	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hoang	Tri	

Tri Hoang
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Richard Martinez
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Christopher P. Nee
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 03/12)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
912-03805-0524-064

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	FOR I/ Temple Station	

Shift:		Age:	Height:	Weight:
[redacted]	[redacted]	34	507	220

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		☐ Directed Force ☐ Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		☐ Directed Force ☐ Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		☐ Directed Force ☐ Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		☐ Directed Force ☐ Significant Force

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital: ______		☐ Directed Force ☐ Significant Force

Supervisor's Report on Use of Force
SUSPECT INFORMATION
912 - 03805 - 0524 - 064

Suspect Information

S 1

Last Name: Dang	First Name: Jimmy	Middle Name: Van
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female | Race: A | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 28 | Height: 504 | D.O.B. 7-01-83 | Weight: 125 | Armed? ☐

Booking #: 3113676 | Primary Charge Code: 459 PC | Secondary Charge Code: | Criminal History ☒

EMT in attendance? ☒ YES ☐ NO Name: LA County Fire /Paramedic | Unit: Engine 42 | Phone #: (626) 289-5454

Hospital Admission? ☒ Rec'd Treatment At: San Gabriel Valley Medical Center | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By Doctor: Au & Narimatsu | Address: 438 W Las Tunas San Gabriel ca 91776 | Phone #: (626)289-5454

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine | 5150 a factor in force ☐ YES ☒ NO User's guide provides direction on this entry

Suspect Interview

Date: 4/07/12 | Time: 1910 | ☐ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO Substance: | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO Substance: | 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
912-03805-0524-064

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Berner	Scott	
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Supervisor's Report on Use of Force

9[illegible]2 - 03805 - 0524 - 0[illegible]4

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
JIMMY DANG	S#1	Deputy Vance	E#1	UC	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	UC	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	RS	NN	
Deputy Vance	E#1	JIMMY DANG	S#1	TR	PW	BK
JIMMY DANG	S#1	Deputy Vance	E#1	RS	NN	
JIMMY DANG	S#2	Deputy Vance	E#1	UC	NN	
Deputy Vance	E#1	JIMMY DANG	S#1	TR	CP	
JIMMY DANG	S#1	Deputy [redacted]	E#2	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	PK	NN	
Deputy [redacted]	E#2	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#4	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#3	JIMMY DANG	S#1	CT	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	RS	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	PK	NN	
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(FL) Flashlight
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(OV) Other Weapon: Vehicle
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(OO) Other Weapon: Other
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(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
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(DB) Dog Bite
(FR) Fractures
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(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
JIMMY DANG	S#1	Deputy Vance	E#1	PH	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	PH	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	PH	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	PH	NN	
Deputy Vance	E#1	JIMMY DANG	S#1	PH	AB	FA
Deputy Vance	E#1	JIMMY DANG	S#1	PH	FR	FA
Deputy [redacted]	E#2	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#3	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#4	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#2	JIMMY DANG	E#4	RH	NN	
Deputy [redacted]	E#3	JIMMY DANG	S#1	RH	NN	
Deputy [redacted]	E#4	JIMMY DANG	S#1	HB	CP	AK

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

Investigative Summary
SIGNIFICANT USE OF FORCE
[redacted]

UNIT:	Temple Station
DATE:	April 7, 2012, Saturday
TIME:	1802 hours
LOCATION:	[redacted] Heleo Avenue, Temple City, CA. 91780
URN#:	912-03805-0524-064
IAB#:	FO2310693

NATURE OF INCIDENT:
On-call Internal Affairs Bureau personnel assumed the handle on a force investigation after learning Suspect Dang sustained a [redacted], after being punched by Deputy Vance. Sergeant Long of Temple Station completed a Supervisor's Report on Use of Force regarding this incident, which is included with this case as **Exhibit A**.

On April 7, 2012, at 1655 hours Temple Station received a 911 call of an attempt burglary just occurred. The informant of the call stated an unknown male attempted to enter through a bathroom window and was last seen running away from the area.

> **IAB Note:** For further details regarding call details see a copy of incident record, Tag #225, which is included with this case as **Exhibit B.**

Deputies V. Meza #[redacted] and D. Esqueda #[redacted] responded to the location and contacted the victim. Victim [redacted] told them she heard someone knock on her front door. She looked out through a window and saw a man she did not recognize, so she did not answer the door. She watched him leave the front area and walk through a side gate to her backyard. She then saw him remove a bathroom window screen (window was partially open.) She began yelling, "No" to the suspect, who saw her and ran westbound through her yard and out of view.

Deputies Meza and Esqueda immediately set up a containment of the area where the suspect was last seen. Temple Station deputies responded as well as Sheriff's Department Aero Bureau and units from the Sheriff's Department Canine Bureau.

IAB Note: After learning the details of the incident the canine units did not deploy their dogs to search for the suspect, as it did not meet their deployment criteria.

Deputies [redacted] #[redacted] #[redacted] and S. Berner #[redacted] were on containment positions near the intersection of Heleo Avenue and Lower Azusa Road. While at their positions the aero unit broadcasted information the suspect was in the back yard of [redacted] Heleo Avenue. Simultaneously the residents of [redacted] Heleo Avenue exited the residence and told Deputy [redacted] the suspect was hiding in their backyard. Deputy [redacted] and Berner took containment positions on the South West side of [redacted] Heleo Avenue (front yard,) as Deputies B. Vance #[redacted] and [redacted] #[redacted] arrived and took containment positions. Deputy [redacted] was at the North West corner of the property and Deputy Vance was near the middle of the property.

IAB NOTE: The property is approximately 40 – 50 feet wide with no obstacles to prevent the deputies from seeing each other.

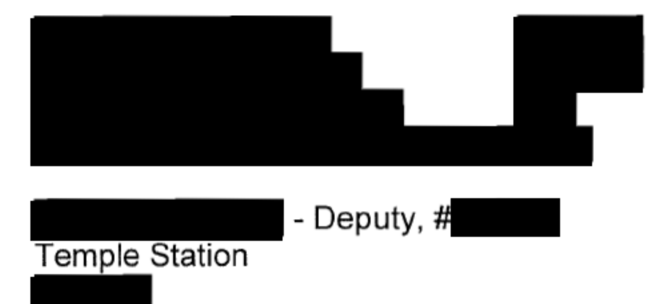
Deputy [redacted] saw the suspect running on the driveway towards him from the backyard and started giving him commands to stop and get on the ground. The suspect reached the wood fence (approximately five foot tall) that separated him from Deputy [redacted] and stopped. Hearing Deputy [redacted] and now seeing the suspect behind the fence, Deputy Vance also started yelling at the suspect to get on the ground. It appeared the suspect was obeying the commands as he ducked down behind the fence. Deputies Vance, [redacted] and Berner met Deputy [redacted] who was on the driveway. They were on the opposite side of the fence from the suspect but could still see him. They saw the suspect start to crawl away from them and then stand up and start to run. Not wanting the suspect to get away and possibly enter an occupied home and create a hostage situation, Deputy Vance deployed his taser on the suspect. The suspect immediately fell to the ground; however he tried to get back to his feet again. Deputy Vance deployed the taser a second time and the suspect stayed on the ground. Deputy Vance ordered Deputies [redacted] Berner, [redacted] and [redacted] to handcuff the suspect. The deputies opened the fence and contacted the suspect. Deputy [redacted] grabbed the left arm and Deputy [redacted] grabbed the right arm. The suspect immediately started to pull his arms from the deputies' grasp, as well as kick at them. Deputy [redacted] immediately grabbed the suspect's legs in an effort to stop him from kicking.

Deputy Vance saw the deputies struggling to control the suspect, but did not deploy the taser a third time. He did not want the deputies to feel the effects of the taser and loosen their grasp of the suspect. Deputy Vance punched the suspect two times on the left side of his face in an effort to stop him from fighting with the deputies. The punches had the desired effect, the deputies were able to handcuff the suspect and place a hobble around his legs.

Deputies Meza and Esqueda wrote an incident report. Deputies Vance, [redacted] [redacted] and Berner wrote supplemental reports. All their reports are included with this case as **Exhibit C.**

<u>INVOLVED PERSONNEL:</u>

Vance, Brian - Deputy, #[redacted]
Temple Station
Unit #54
Field Operations Region I


[redacted]

[redacted] - Deputy, #[redacted]
Temple Station
[redacted]
Field Operations Region I


[redacted]

[redacted] - Deputy, #[redacted]
Temple Station
[redacted]
Field Operations Region I


[redacted]

[redacted] - Deputy, #[redacted]
Temple Station
[redacted]
Field Operations Region I


[redacted]

INVOLVED SUSPECT:
DANG, JIMMY VAN

Sex:	Male
Race:	Asian
Date of Birth:	July 1, 1983
Height:	504
Weight:	125
Booking #	3113676
Charge:	459 PC, Burglary
Injury:	[redacted]

The Consolidated Criminal History System reveals that Suspect Dang has [redacted].

IAB Note: A copy of Suspect Dang's criminal history is included in this report. See **Exhibit D.**

DEPUTY WITNESS:
Deputy Scott Berner, #[redacted] was interviewed on January 31, 2013, at 0949 hours by Sergeants Richard Martinez and Hector Velasquez at Internal Affairs Bureau. Deputy Berner was represented by Attorney David Dixon from Green & Shinee. The following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the IAB audio files and/or Deputy Berner's verbatim transcript, which is listed under the "Transcriptions - IAB Interview" section of the case book.

Deputy Berner responded to a containment in regards to a call of a burglary in progress. His containment position was just south of the property located at [redacted] Heleo Avenue. Deputies [redacted] and [redacted] were also at his containment position. While at the location they contacted the residents of [redacted] Heleo Avenue and asked them to leave the house. A short time later Deputies Vance and [redacted] arrived at the location. He heard Deputy [redacted] say, "There he is." But he (Deputy Berner) did not see him. Deputy Berner along with Deputies Vance, [redacted] [redacted] and [redacted] made an approach towards the suspect. He believes they were about 50 feet from the suspect with a five foot tall wood fence separating them.

Deputy Vance had a taser and was assigning duties to the deputies. They approached the fence and saw the suspect standing on the opposite side of the fence about five feet away. He and Deputy Vance were giving the suspect verbal commands to lie on the ground and put his hands up. The male did not comply and began to run away from them. Deputy Vance deployed the taser, which caused the suspect to fall to the ground on his back. The suspect immediately rolled to his chest, put his hands on the ground and started to stand up. At this point the deputies opened the fence and made contact with the suspect, who was waving his arms around and kicking his feet. At this time he remembered hearing the taser go off a second time.

Deputies [redacted] and [redacted] were attempting to control the suspect's arms and Deputy [redacted] was attempting to control the suspect's legs. He then saw Deputy Vance punch the suspect two times in the head. Deputy Berner said he was standing a few feet away during the struggle and put out radio traffic **(Exhibit E)** the taser was deployed and the Fire Department was needed to treat the suspect. He added there were enough deputies on the suspect, so he did not need to jump in.

Deputy Berner did not remember if Deputy Vance was still holding the taser when he punched the suspect.

> **IAB NOTE:** After the interview ended, I was walking down the hallway when Deputy Berner and his attorney, David Dixon, approached me. Deputy Berner told me in the presence of his attorney, he remembered Deputy Vance handed him the taser before he punched the suspect. As Deputy Berner held the taser he pulled the trigger very briefly, thinking the sound of the taser would scare the suspect into submitting to the deputies. He went on to say the cartridge had been removed and the suspect felt no effects. A printout of the taser activation for the date of April 7, 2012, shows three activations **Exhibit F**. One for seven seconds, one for 5 seconds and one for 1 second.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Brian Vance, #[redacted] was interviewed on January 28, 2013, at 1034 hours by Internal Affairs Bureau Sergeants Richard Martinez and Hector Velasquez. The interview was conducted at Internal Affairs Bureau. Deputy Vance was represented by Attorney David Dixon from Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For his verbatim interview see his transcribed interview which is included with this case.

Deputy Vance told us he and his partner (Deputy [redacted] responded to a command post in regards to a burglary suspect inside of a containment. While at the command post they received information the suspect was in the backyard of a house located at [redacted] Heleo Avenue. He drove to that location with his partner and a Sheriff's Department canine unit. As they arrived at the location he saw Deputies [redacted] and Berner were at the south end of the property.
Deputy [redacted] took a containment position on the North side of the property near the driveway and he took a position near the middle of the property so he could see the deputies who were located on the north and south sides of the property. The canine unit did not deploy and Deputy Vance was not sure of his location during the incident.

Deputy Vance heard Deputy [redacted] yelling and looked in his direction. Deputy Vance saw the suspect standing behind a fence (separating him from Deputy [redacted] and started giving the suspect orders to put his hands up.

The suspect complied and dropped to the ground. As Deputy Vance and Deputy [redacted] approached the suspect, he saw the suspect stand up and start to run away from them. Deputy Vance did not want to initiate a foot pursuit and not wanting the suspect to escape from them, break into a house and cause a hostage situation, shot him with his taser.

The taser caused the suspect to stop running and fall to his back. Once on the ground the suspect turned onto his stomach and started to get to his feet. Deputy Vance deployed the taser a second time and directed Deputies [redacted] and Berner to open the fence and handcuff the suspect.

Deputy Vance did not communicate over the radio they had encountered the suspect, as he had the taser in one hand, was keeping an eye on the deputies contacting the suspect and remembered a Sheriff's helicopter was overhead. He did not remember if the deputy was putting out information over the radio.

Deputy Vance saw Deputies [redacted] and [redacted] grab the suspect's arms and Deputy [redacted] grab the suspect's feet. The suspect started to pull his arms away from the deputies, as well as kick at them. Deputy Vance did not deploy the taser a third time, because the deputies had physical contact with the suspect and he did not want them to feel the effects of the taser. He believed if the deputies felt the effects of the taser, they would pull their arms away from the suspect and lose control of him.

Due to the deputies struggling to control the suspect, Deputy Vance punched the suspect twice on the left side of his face. The suspect stopped struggling after being hit and the deputies were able to handcuff him without further incident.

IAB Note: Deputy Vance wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case in **Exhibit C.**

Deputy [redacted] **#**[redacted] was interviewed on January 28, 2013, at 1120 hours by Internal Affairs Bureau Sergeants Richard Martinez and Hector Velasquez. The interview was conducted at Internal Affairs Bureau. Deputy [redacted] was represented by Attorney David Dixon from Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For his verbatim interview see his transcribed interview which is included with this case.

Deputy [redacted] said he and Deputy Vance responded to [redacted] Heleo Avenue in regards to information a burglary suspect was last seen in the backyard of that location. Deputy [redacted] took a containment position on the north side of the property, with Deputy Vance and other deputies south of him.

While at this position Deputy [redacted] saw the suspect walking on the opposite side of a wood fence towards him.

Deputy [redacted] noticied the suspect was wearing boxer type underwear and had a, "thousand yard stare." He and other deputies began to give the suspect commands to show his hands.

Initially the suspect complied and put his hands on top of the fence. However the suspect dropped down behind the fence and started to run away from the deputies. Deputy Vance deployed the taser on the suspect, which caused the suspect to fall backwards to the ground. Deputy [redacted] and the other deputies opened the gate to the fence in an attempt to control the suspect. This was done at the direction of Deputy Vance. As they were going through the gate the taser stopped and the suspect started to get back up to his feet. He heard the taser start cycling again and the suspect went back to the ground. Deputy [redacted] grabbed the right arm of the suspect, who immediately tried to pull away from him. Deputy [redacted] grabbed the left arm of the suspect and the suspect tried pulling his left arm away as well. Deputy [redacted] tried controlling the suspect's feet as he was kicking at the deputies. Deputy [redacted] was ordering the suspect to stop fighting during the struggle with him.

As they continued their struggle in trying to control the suspect Deputy Vance punched the suspect two times in the face. After being struck by Deputy Vance, the suspect stopped fighting, which allowed the deputies to handcuff him and place a hobble restraint around his legs.

> **IAB Note:** Deputy Vance wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case in **Exhibit C.**

Deputy [redacted] **#**[redacted] was interviewed on January 28, 2013, at 1102 hours by Internal Affairs Bureau Sergeants Richard Martinez and Hector Velasquez. The interview was conducted at Internal Affairs Bureau. Deputy [redacted] was represented by Attorney David Dixon from Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For his verbatim interview see his transcribed interview which is included with this case.

Deputy [redacted] responded to [redacted] Heleo Avenue in regards to a burglary suspect in the area containment. He took a containment position on the south side of the property with Deputy [redacted] While at the location he received information over the radio the suspect was last seen in the backyard of [redacted] Heleo Avenue.

Deputies Vance and [redacted] arrived at their location and took containment positions on the north side of [redacted] Heleo Avenue.
He then heard Deputy Vance give the suspect commands to show his hands as Deputies Vance and [redacted] approached the suspect who was behind a fence. Deputies [redacted] and [redacted] went to Deputies Vance and [redacted] location to assist in taking the suspect into custody. As they arrived, Deputy [redacted] saw the suspect crouch down behind the gate and start running away from them. He then saw Deputy Vance deploy the taser on the suspect, which caused the suspect to fall on the ground.

Deputy Vance instructed the deputies to open the gate and control the suspect. Deputy [redacted] grabbed the suspect's left arm and placed it in a rear wristlock to gain control, while Deputy [redacted] grabbed the right arm of the suspect. Deputy [redacted] heard the taser deactivate and the suspect started to kick at Deputy [redacted] and himself. The suspect also tried standing up, as they were all on the ground at this time.

Deputy [redacted] saw Deputy Vance arrive and punch the suspect in the head. The punch had little effect and the suspect continued to fight. Deputy Vance punched the suspect in the head a second time, which caused the suspect to stop fighting and allowed the suspect to be handcuffed by Deputy [redacted] and Deputy [redacted]

Deputy [redacted] was not able to put out radio traffic in regards to their fight with the suspect, as he was trying to maintain control of the suspect with his hands. He estimated the time length of the incident was seconds from initial contact with the suspect, to the time he was struggling with him.

> **IAB Note:** Deputy [redacted] wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case in **Exhibit C.**

Deputy [redacted] **#**[redacted] was interviewed on January 28, 2013, at 1143 hours by Internal Affairs Bureau Sergeants Richard Martinez and Hector Velasquez. The interview was conducted at Internal Affairs Bureau. Deputy [redacted] was represented by Attorney David Dixon from Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of his interview. For his verbatim interview see his transcribed interview which is included with this case.

Deputy [redacted] said he was at a containment position at the south end of the property of [redacted] Heleo Avenue in regards to burglary suspect. While at the location, the residents ran out of the house and told him the suspect was in their backyard. Deputies Berner, Vance and [redacted] who were on the north side of the property started running towards the gate which was also on the north side of the property. Deputy [redacted] and [redacted] who were on the south side of the property ran towards the gate as well. They saw the suspect behind the gate, who after seeing the deputies, turned away from them and started to run. Deputy Vance deployed the taser, which caused the suspect to fall on a parked vehicle and then to the ground. All of the deputies ran through the gate in order to apprehend the suspect, with Deputies Berner and [redacted] grabbing the suspect's arms and Deputy [redacted] and himself (Deputy [redacted] grabbing the suspect's legs.

> **IAB Note:** Deputy [redacted] reported Deputy [redacted] grabbed the suspect's legs. The other involved deputies said Deputy [redacted] grabbed the suspect's right arm.

As they continued to struggle with the suspect, Deputy [redacted] saw Deputy Vance punch the suspect in the face two times. The suspect complied with the deputies after being punched and they were able to handcuff him and place a hobble on his legs.

Deputy [redacted] said the suspect was screaming and bleeding from the mouth prior to being punched by Deputy Vance. He believes the suspect may have bitten his tongue, while feeling the effects of the taser.

> **IAB Note:** Deputy [redacted] wrote a supplemental report detailing his actions and observations during this incident. His supplemental report is included with this case in **Exhibit C.**

SUSPECT STATEMENT:

Suspect Jimmy Dang was interviewed at the San Gabriel Valley Medical Center by Sergeant James Long and Watch Commander, Sergeant Tri Hoang. The interviews were video recorded and copies of the interviews, as well as photographs of Suspect Dang's injuries are included with this case in **Exhibit G.** The following is a summary of his interviews. For his verbatim interviews see his transcribed interviews which are included with this case.

The following is a summary of his interviews:

Suspect Dang said he ran from the deputies, because he thought he had a warrant. He also said he was currently on parole. As he was running through yards he slipped and fell near a swimming pool and also fell in a yard that had a big dog. Suspect Dang said one of these falls caused his mouth to bleed. He removed his clothing with the exception of his boxer shorts, in an effort to avoid capture. He also said he slipped and hit his head on the concrete when the deputies told him to get down. The deputies shot him with a taser, which caused him to fall and give up. He said the deputies did not hit him during the incident and the deputies shot him with the taser, because he would not get down when the deputies told him to do so.

Suspect Dang denied taking any medication, or having a mental illness. He said he had been smoking methamphetamine for the past three days.

SUSPECT INJURIES:

Suspect Dang had bruising and red marks to the left side of his face. He also had a scrape near his left eye and red marks on his upper center chest area and right side of neck.

Suspect Dang complained of being tied to the hospital bed, which was causing him pain to his knees and ankles. He did not complain of any other pain or injuries.

Suspect Dang was treated at the San Gabriel Valley Medical Center and was approved for booking at the USC-Medical Center Jail ward. The approval for booking paper work is included with this case in **Miscellaneous Documents.**

DEPUTY PERSONNEL INJURIES:
None

PHYSICAL EVIDENCE:
No physical evidence was collected at the scene.

INVESTIGATORS' OBSERVATIONS:
Sergeant Martinez took digital photos of the scene where the use of force occurred during daylight hours. The photos are included with this case as **Exhibit H.**

WEAPONS USED BY DEPUTY PERSONNEL:
Taser – x26
Personal weapons: Hands

WEAPONS USED BY SUSPECT:
Personal weapons: Hands and feet.

PROPERTY DAMAGE:
None.

WEATHER AND LIGHTING CONDITIONS:
The incident occurred on a clear day at 1800 hours.

CHARGES FILED AND DISPOSITION:
One count each of First degree Burglary, 459PC and Second degree Burglary of a Vehicle, 459PC, was filed against Suspect Dang under Case #GA086087. He was ultimately convicted of both counts.

TRANSCRIBED INTERVIEWS

DEPUTY SCOTT BERNER

DEPUTY SCOTT BERNER

Martinez: We're on tape. Today's date is Thursday, January 31st. The time is 0949 hours. I'm Sergeant Richard Martinez, M-A-R-T-I-N-E-Z. We are at the Internal Affairs Bureau. We're conducting an interview in regards to Case FO2310693, it's a force case. Also present in the room is my partner.

Velasquez: Sergeant Hector Velasquez, V-E-L-A-S-Q-U-E-Z.

Martinez: Also present in the room is Deputy?

Berner: Berner, B-E-R-N-E-R.

Martinez: And your first name please?

Berner: Scott.

Martinez: And also present is?

Dixon: David Dixon from the Law Office of Green & Shinee, D-I-X-O-N.

Martinez: And Deputy Berner, prior to going on tape I gave you an Admonition for Sworn and Non-Sworn Witnesses with Subject Rights. Is that true?

Berner: Yes.

Martinez: And did you read that form?

Berner: Yes.

Martinez: Do you understand that form?

Berner: Yes.

Martinez: And do you have any questions regarding that form?

Berner: No, I do not.

Martinez: Is there any reason why this interview cannot go forward today?

Berner: No.

Martinez: And Mr. Dixon?

Dixon: Yes and Deputy Berner did not sign the form because it's been the Department's position that when a deputy signed the form, they're waiving their rights under the Civil Service Rules. We do not agree with that position, so we've instructed them not to sign the form. However, Deputy Berner will cooperate in the investigation and give full, complete and truthful answers.

Martinez: And again, this is in regards to a use of force and the incident took place on April 7th, 2012. Deputy Berner, were you on duty on that date?

Berner: Yes, I was.

Martinez: And the location of the incident was [redacted] Heleo Avenue. Deputy Berner, did you respond to that location?

Berner: Yes, I did.

Martinez: And why did you respond?

Berner: There was a call of a burglary in progress. The initial unit arrived on scene and established a containment and within that containment we later locate the male within the containment that matched the description of the burglary suspect.

Martinez: And at the location, where were you?

Berner: I set up just south of the loc at [redacted] Heleo. I was watching the property.

Martinez: And was anyone with you?

Berner: I believe Deputy [redacted] and Deputy [redacted] at the time.

Martinez: And could you see any other deputies at the location?

Berner: Initial response, no. There was another deputy north of us, Deputy Gutierrez and then later in investigation, Deputy Vance and Deputy [redacted] responded.

Martinez: And at some point did you see the suspect at the location?

Berner: Yes.

Martinez: And what were the circumstances regarding you seeing the suspect at the location?

Berner: When Deputy Vance and [redacted] responded, I did not see the male. I believe Deputy [redacted] "Hey, there he is," said "Hey, there he is," and pointed him out on the....

Martinez: And let me interrupt you real fast, where was Deputy Vance and [redacted] in relation to where you were?

Berner: Standing near me, within a couple of feet.

Martinez: All right. Continue.

Berner: So Deputy [redacted] saw the male standing in the northwest corner of the property. He said, "There he is." But I looked over that way and I didn't see him at the time.

Martinez: And what happened next?

Berner: From there, Deputy Vance, Deputy [redacted] [redacted] and [redacted] we made an approach towards the residence. Deputy Vance carries a taser with him and then Deputy [redacted] and Deputy [redacted] were gonna do contact, go hands on.

Martinez: And you said the...there was two deputies that were gonna be hands on contact and someone with the taser. Did you guys all decide who was gonna do what just on your own or was someone being a leader and assigning people duties?

Berner: Deputy Vance was the lead and, and assigning.

Martinez: So he was in charge and, and, and assigning the duties on who was gonna do what?

Berner: Yes, he was.

Martinez: And how far away were you guys from the suspect when, when this was going on?

Berner: Approximately 50 to 75 feet, I'm guessing that.

Martinez: And was there anything blocking or anything in between you guys and the suspect?

Berner: There was a fence. It was approximately five foot tall, five foot high. I believe it was a wood fence.

Martinez: And what happened next?

Berner: From there, we made con…or excuse me, we approached the fence. Once we got close to the fence, I was able to see the male standing approximately five feet east of the fence away from us. I, myself, gave verbal commands. I know Deputy Vance gave verbal commands, ordering the male to lay down on the ground, put his hands up. The male did not comply and then Deputy Vance deployed the taser.

Martinez: And did the deployment of the taser have any effect?

Berner: Yes, it did. The male fell to, I believe to his back and then he immediately rolled over to his chest, put his hands down to the ground and attempted to stand up.

Martinez: And what did you guys do at this point?

Berner: At that point, we opened the gate, made contact with the male and I remember hearing the taser go off a second time.

Martinez: And what was the suspect doing at this point?

Berner: I believe at that point he was on the ground, chest on the ground and he was waving his arms and feet, trying to kick anybody or hit anybody that he could.

Martinez: Was he saying anything?

Berner: I don't remember him saying anything.

Martinez: Were the deputies saying anything?

Berner: Verbal commands to stop, put your hands behind your back, stop kicking.

Martinez: And was the suspect complying with these commands you guys were giving?

Berner: No, he was not.

Martinez: And then what happened next?

Berner: And then Deputy Vance struck the male twice in the face.

Martinez: And when he struck the male twice in the face, what were you and the other deputies doing?

Berner: I was standing a couple feet south behind Vance and the deputies that were hands on. Also initially I put out radio traffic that the taser was deployed. With them being hands on, there was enough deputies around the male, so I did not jump in.

Martinez: And when you said the deputies were hands on, what were they doing?

Berner: Deputy, excuse me, Deputy [redacted] and [redacted] were each attempting to gain control of his arms and I believe Deputy [redacted] was towards his feet attempting to gain control of his feet.

Martinez: And as…you said Deputy Vance hit the male in the head twice?

Berner: Yes.

Martinez: And did he still have his taser or do you know what happened with the taser?

Berner: I do not.

Velasquez: When you're issuing commands to…I'll back up a little bit, when you're issuing commands to the suspect, how was he reacting to your command?

Berner: He was not at all. He was not responding.

Velasquez: Was he…did he continue to…was he standing still? Was he moving inside that little area when you were…?

Berner: Upon initial contact?

Velasquez: Yes.

Berner: Yeah, he was attempting to run eastbound through the property as if to get away from us.

Martinez: Do you know if there were any people inside the house or in the yard or…?

Berner: When I was set up on the south waiting for…excuse me, while we just had the containment going, the…somehow we, we found out that there was a family inside the residence, so myself and I believe [redacted] knocked on the door, got them out of the house.

Martinez: And in your planning with Deputy Vance, I believe Deputy, did you guys take into consideration any other less lethal weapons to use on this suspect?

Berner: No, since Deputy Vance had a taser, I'm sure one of us could've switched to lethal if needed. No other weapons came up, no.

Martinez: Do you have anything to add?

Berner: No. Once the, once the male was tased, I did request for medical to respond. I pressed over to the command post to respond and to eventually assist the male when he was restrained.

Martinez: And other than Deputy Vance striking him twice and you said the dep…I believe Deputy [redacted] and Deputy [redacted] were grabbing hold of his arms, did you see or did you strike the suspect?

Berner: No, neither.

Velasquez: How long would you say this incident took place? The…from the time you went through the fence to the point where you're requesting medical to….

Berner: Approximately 10, 20 seconds, guessing.

Martinez: I've got nothing else. All right, that'll conclude the interview and we'll be going off tape and the time is 0959.

RG
Written Communications, Inc.

DEPUTY BRIAN VANCE

DEPUTY BRIAN VANCE

Martinez: We're on tape. My name is Sergeant Richard Martinez of Internal Affairs Bureau, M-A-R-T-I-N-E-Z. Today's date is Monday, January 28th, 2013. The time is 10:34. We are at the Internal Affairs Bureau. Also present is my partner.

Velasquez: Sergeant Hector Velasquez, V-E-L-A-S-Q-U-E-Z.

Martinez: Also present is deputy?

Vance: Vance, Brian Vance, V as in Victor A-N-C-E.

Martinez: And also present is?

Dixon: David Dixon from the law office of Green and Shinee, D-I-X-O-N.

Martinez: And we're here regarding a force incident, and that is FO2310693. Deputy Vance, prior to going on tape I gave you an admonition for sworn and non-sworn witnesses with subject rights, is that correct?

Vance: That is correct.

Martinez: You read that?

Vance: I did read it sir.

Martinez: And do you understand that form?

Vance: I do understand the form.

Martinez: And do you have any questions regarding that form?

Vance: No I do not.

Martinez: Is there any reason why this interview cannot go forward today?

Vance: No, there is not.

Martinez: And Deputy Vance, I understand that you refused to sign this form, is that correct?

Vance: Yes sir.

Martinez: And Mr. Dixon?

Dixon: Yes, the reason why Deputy Vance did not sign the form, it's been the Department's position that when the deputies sign the form, they're waiving their rights under the Civil Service rules. We do not agree with that position. So we've instructed the deputies not to sign the form. However, Deputy Vance will cooperate in the investigation and give full, complete and truthful answers.

Martinez: Thank you. Deputy Vance, taking you back to April 7th, of 2012, were you on duty?

Vance: Yes I was.

Martinez: And did you happen to respond to a containment regarding a burglary?

Vance: Yes I did.

Martinez: And did you write a report concerning this incident?

Vance: Yes sir, I did.

Martinez: And have you had a chance to review that report? It's a supplemental report.

Vance: Yes I did sir.

Martinez: And everything in that report is true and accurate?

Vance: Yes sir.

Martinez: Now, taking you back to the incident sir, like I said, you responded to a burglary, just occurred, and I believe it was initially on lower Azusa Road, is that correct?

Vance: That's correct sir.

Martinez: And did you respond to the location first, or did you respond to a command post?

Vance: I, my partner and I, my partner Deputy [redacted] and I responded to the command post, which was located at lower Azusa and Temple City, which was the 7-11 parking lot.

Martinez: And while at the command post, did you receive any further information regarding this burglary call?

Vance: Yes sir, I learned that the suspect in question, for the, was somewhere inside of a containment, which was situated between the streets of Heleo on the west lower Azusa, on the south, and Cloverly on the east, and I'm

not sure what the street on the far north was. The suspect was a male, Asian. I don't remember off-hand how old he was, but he had a shaved head and he had tattoos on the back of his neck.

Martinez: And upon learning this, oh, let me take that back. Did you ever leave the command post and respond to a location?

Vance: I did sir.

Martinez: And why was that?

Vance: Because we learned information from Aero, the helicopter that was hovering or doing orbits overhead, notified us that the male, Asian suspect was seen headed, or running through yards, towards the address, or towards a house over on Heleo Street.

Martinez: And do you remember what the address was of that house?

Vance: I believe it was [redacted]

Martinez: And did you respond to that house?

Vance: Yes sir, I did.

Martinez: And this was with your partner?

Vance: It was with Deputy [redacted] and a K-9 unit.

Martinez: And you arrived at the house I take it?

Vance: Yes sir.

Martinez: Was there any other deputies present? Besides you, your partner and the K-9 unit?

Vance: Yes sir. It was Deputy [redacted], who was on the south side of the property, with Deputy [redacted] and Deputy Berner was present also. However, I believe that he was closer to lower Azusa.

Martinez: Okay.

Vance: This property was the [redacted] north of lower Azusa, so it's very close to where their containment position was at.

Martinez: And did the K-9 unit deploy?

Vance: No he did not.

Martinez: Did he leave, or did he stick around?

Vance: No, he was present, but I'm not, he wasn't, he wasn't present to the point where he became involved. I think that he was at the containment position.

Martinez: And after hearing this information that the suspect was in the backyard of the location, did you guys do anything?

Vance: I had my partner, Deputy [redacted] I had him set up on the north side of [redacted] on the north side of the driveway. Which is on the northwest portion of the property. I had him set up on the north side there, and keep an eye to the property. I stayed towards the middle of the property, because I was trying to maintain a view on Deputy [redacted] and the deputies on the south side, because there was, the way that the property was set up, there could have been, the suspect could have run either through the north side of the property, through the driveway, or through the south, through like a small gate on the south side of the property.

Martinez: And okay, so you set up the containment and does Aero provide any further information as in regards to the suspect's actions in the backyard?

Vance: He just said that he was running towards that address, Aero.

Martinez: Okay.

Vance: I don't recall any further instructions or anything.

Martinez: And at some point did you see the suspect at this location?

Vance: Yes sir, I did.

Martinez: And where were you when you saw the suspect?

Vance: I was standing in the street, directly in front of [redacted] and Heleo Street, and I was just south of Deputy [redacted] I was at the curb line, I want to say of Heleo. My attention was drawn to a male, Asian suspect that was in the backyard, or towards the drive, there's a fence that covers the driveway and encloses the driveway into the backyard. There's no fence separating the two. My partner, Deputy [redacted], started yelling and my attention was immediately drawn to the male suspect that was in the driveway.

Martinez: And was he behind the fence in the backyard, or was he on the opposite side of the fence, closer to the street?

Vance: No, he was behind the fence, in the backyard.

Martinez: And what type of fence is this?

Vance: It was a wood, like an older wooden fence, kind of warps. You could see through it, but you could only see between the slats of the fence.

Martinez: And about how wide were these slats, do you remember?

Vance: I don't recall. Three to four inches.

Martinez: And so after seeing this, the suspect and hearing your partner yelling at him, what did you do next?

Vance: I was giving him commands to put his hands up, and to follow our commands and then at some point I saw the suspect drop down behind the fence.

Martinez: Okay.

Vance: And I knew that he was still there, because I could see between the slats.

Martinez: And then what happened next?

Vance: Through the fence I saw him kind of crawl over and then immediately stand up and take off running, and when he took off running, I ran up to the fence, and he, his back was turned towards me and I immediately deployed my taser and shot him with the taser.

Martinez: And why did you shoot him with the taser? Why did you deploy the taser?

Vance: My reason for shooting him with the taser was because, for one, I believe that we were going to be involved in a foot pursuit. Foot pursuits are inherently dangerous and injuries, excuse me, injures are easily could happen during a foot pursuit, but also I don't know what this guys' capabilities were. I don't know if he had a weapon secretly in the backyard of the property, I don't know if he was, what his plans are. I didn't know anything about what this guy was going to do, nor did I want him to be able to get away from us and then maybe, possibly break into another house and create a hostage situation. There were many reasons why I decided to deploy the taser and to hit him with it.

Martinez: Prior to deploying the taser, you have your partner on the north end of the property, you have some deputies on the south side of the property.

Vance: Yes sir.

Martinez: You have Aero overhead. You see the guy, you see the suspect in the backyard through the slats, and he's dressed with just pants and no top?

Vance: Yes sir.

Martinez: Correct?

Vance: Yes sir.

Martinez: What is his demeanor?

Vance: He's acting strange. That's all I can say. I mean it seemed like he was kind of under the influence, because he wasn't, he couldn't even, he wasn't talking to us. He wasn't verbalizing anything towards us, and he just had kind of weird expressions on his face. Deputy [redacted] was giving commands and I was giving him commands and it was like he was in a daze and wasn't paying attention to anything we were saying.

Martinez: Did he respond at all?

Vance: No he did not.

Martinez: Did he acknowledge at least facial, facial expressions, that he could hear you giving him commands?

Vance: No.

Martinez: Look at you guys?

Vance: No he did not.

Martinez: Did he do anything with his hands?

Vance: At one point he came up to the fence and he put his hands up on the fence, but that's all he did. He didn't put his hands over his head, he didn't, he didn't make any remarks, saying that he understood. He didn't say anything to us to make us feel that he understood our commands.

Martinez: And how far were you when he came up to the fence, from you?

Vance: The initial point, I was at the curb line, but then when he ducked down below the fence, I ran up to the fence. As I, I can only assume that he crawled a little bit and stood back up, and tried to take off running. And that's when I was able to run up on the fence and hit him with the taser.

Martinez: You said that one of your concerns was you didn't know if he was going to go into a house, it was going to be a, I believe you said a hostage situation or something like that.

Vance: Yes sir.

Martinez: Okay. Yeah, possible hostage situation. Did you know, were there any residents inside the house, at [redacted] Heleo, were you aware if there was anyone home?

Vance: Yes sir, there was a family that was at home inside [redacted]

Martinez: Very good. Okay, so you deploy your taser and does it have any effect on him?

Vance: It has immediate effect on him. He stops his forward motion and he fell backwards on his back.

Martinez: Okay.

Vance: But then he immediately tried to stand back up again, and then that's when I hit him with the taser a second time.

Martinez: And what effect, if any, did that have on him?

Vance: It had immediate effect on him.

Martinez: Okay.

Vance: And it just caused him to stop moving.

Martinez: Okay.

Vance: He –

Martinez: As he's on the ground, not moving, you're there, Deputy [redacted] is there.

Vance: Yes sir.

Martinez: Is there any other deputies there?

Vance: We had Deputy [redacted] and Deputy [redacted] immediately came up to the gate with us.

Martinez: Okay.

Vance: And then I stayed behind the gate, and it's, the way that the, where we were at, it was on the driveway and the wooden fence that was, I want to say that it opened outwards, but I remember we opened just one side of the fence up, so that the deputies could go past me and go into the driveway to make contact with this guy. Meanwhile, I stood over the fence with the taser, in order to maintain a view on him.

Martinez: And was anyone directing these deputies, or did anyone take charge and say, or you know, "I'm here with the taser. You guys go in and do this." Or did they just all do it on their own?

Vance: No, that was me. I was directing them, I had the taser. I told them, "Okay guys, go ahead and make, go in and make contact with the guy."

Martinez: And what deputies went into make contact?

Vance: It was Deputy [redacted] and Deputy [redacted] and Deputy [redacted]

Martinez: And did anyone put out traffic over the air, that you guys had encountered, engaged the suspect, and he was on the ground?

Vance: No, I do not believe that anybody did that at the time.

Martinez: Do you know, or can you tell me why you didn't put that information out?

Vance: I didn't do it, because I was, I had the taser in my hand, I was keeping an eye on the suspect. I believe that Aero was still overhead at that point, but I don't recall if they were saying anything over the air, I don't remember.

Martinez: So the deputies make contact with him, and what happens next?

Vance: Deputy [redacted] and Deputy [redacted] immediately go in and the suspect has turned over onto his stomach, and his arms are out. They go over there to make contact with him. Deputy [redacted] goes over to his feet, but as soon as they get over there, and try to grab onto him, now suddenly the suspect is kicking his legs towards Deputy [redacted] and he's trying to pull his arms out of, out of Deputy [redacted] arms or out of his hands, to prevent us from being able to handcuff him or subdue him.

Martinez: Were you still deploying or activating the taser at his point, or?

Vance: I had the taser in my hand, however, I did not activate the taser a third time, because they were making contact with the suspect and I've been tased with a secondary from the effects of a taser, and I didn't want them to get tased also. So I decided not to deploy the taser a third time.

Martinez: And again, you said you didn't deploy the taser a third time, because you'd been –

Vance: I've been tased before.

Martinez: And when you're, when you're tased, what does it do to you?

Vance: What it does to me is that it, well it's kind of uncomfortable. It's not, it's not as if you're actually being hit with the full effects of the taser, but it's

uncomfortable and it could possibly cause somebody to immediately pull their hands away from the suspect.

Martinez: Okay.

Velasquez: Now throughout this whole encounter, are you in command of the situation?

Vance: I am in command, yes.

Velasquez: You're in command of the situation?

Vance: Yes sir.

Velasquez: And you're directing deputies what to do?

Vance: Yes sir.

Velasquez: Okay.

Vance: I didn't direct them individually to take one arm or the other. The deputies knew what to do. I directed them to move into the yard and I, obviously I was in control of the taser. So once I told them, "Hey guys, I have him. I got an eye on him. I have the taser. Go ahead and move in and make contact with the suspect."

Velasquez: So you had a plan going into this whole situation?

Vance: Well I, yes sir, I had a plan going into it.

Velasquez: And so taking you back, the guy's starting to move around. You deploy the taser twice. What happens next?

Vance: Well the deputies are, they're now on the suspect, but literally fighting to maintain control of the suspect. The suspect's kicking his legs at Deputy [redacted] and he's trying to pull his arm out from Deputy [redacted] So I didn't feel that there was, that I would be able to tase him a third time. So I immediately switched the taser in my hand, into my left hand. I moved the gate open and I ran inside and the only spot that I had available to go to, was his head and immediately I ran in and punched him right in the face twice.

Velasquez: And the taser was still in your hand, or did you give that to someone else?

Vance: No sir, I still had control of the taser in my left hand.

Velasquez: At any point did you give the taser to anyone else?

Vance: I don't think so, I don't recall that, if I did that or not. I think I had control of the taser the entire time.

Martinez: So you punch him twice?

Vance: Yes sir.

Martinez: Where did you punch him?

Vance: I punched him in the face, on the left side of his face.

Martinez: And at the time that you punched him, his face was on the ground, above the ground?

Vance: No, his face was on the ground. The, I want to say that his face, he was, that he had the right side of his face towards the ground, and when I ran in, I immediately went for the left side of his face, which was facing me.

Martinez: And just prior to going into the yard, well as the deputies are struggling with him, is he, is the suspect saying anything?

Vance: No, he's not.

Martinez: He's not saying anything at this time either?

Vance: No sir.

Martinez: But he's just flailing his arms, kicking his feet?

Vance: Yes sir.

Martinez: And the deputies, from your observation, are they having a hard time trying to control his movements?

Vance: Yes sir.

Martinez: And after you hit him, what was the suspects' reaction?

Vance: After I hit him the second time, he immediately gave up and he stopped resisting. The deputies were able to handcuff him without further incident, and Deputy, not [redacted] Deputy [redacted] placed the hobble on his ankles.

Martinez: And why didn't you hit him a third, fourth (inaudible)?

Vance: Because I didn't feel that there was a need to hit him a third time or a fourth time.

Martinez: So, and just to, the two punches had the effect that you wanted on him, he stopped and everyone stopped?

Vance: That's correct sir.

Martinez: That ends my questioning. Anything to add?

Dixon: Yeah, when you tased him, could you see the back of him?

Vance: His back was, he was turned away from me and all I was able to see was his back.

Dixon: Did he have anything on his back, tattoos, anything like that?

Vance: I remember seeing tattoos, but I don't know the specific tattoos.

Dixon: What are tattoos, mean to you, based on your background and training and experience?

Vance: Well some gang members have tattoos. Not necessarily, tattoos don't necessarily mean that that person's a bad person, but when the suspect is suspected of trying to break into a house, and the guy has tattoos on him, it's a possibility that he may be a gang member.

Dixon: And did that go into your decision to take immediate action?

Vance: Yes sir.

Dixon: Do you remember if there was anybody out on the streets, like kids out of school, anything like that?

Vance: I don't recall if there were any kids out on the street, but there were definitely people inside the house at [redacted] Heleo.

Dixon: And how high is that fence?

Vance: It was approximately five feet tall.

Martinez: And just one more question, follow up. What was the lighting like during this time?

Vance: It was, it was five o'clock, it was still light outside.

Martinez: Light enough to where you could see, you didn't need a flashlight?

Vance: Yes sir.

Martinez: Alright, that ends the interview and the time is 10:55 and we will be going off tape.

End of report.

DEPUTY [redacted]

DEPUTY [redacted]

Martinez: My name is Sergeant Richard Martinez. Today's date is Monday, January 28th, 2013. The time is 11:20 AM. We are at the Internal Affairs Bureau. Again, my name is Sergeant Richard Martinez, M-A-R-T-I-N-E-Z. Also present in the room is my partner.

Velasquez: Sergeant Hector Velasquez, V-E-L-A-S-Q-U-E-Z.

Martinez: And also present in the room is deputy?

[redacted]

Martinez: And spell your last name Mr. [redacted]

[redacted]

Martinez: And also present in the room is?

Dixon: David Dixon from the Law Office of Green and Shinee, D-I-X-O-N.

Martinez: And you are representing Deputy [redacted] correct?

Dixon: Yes.

Martinez: Deputy [redacted], prior to going on tape, I gave you an admonition for sworn and non-sworn witnesses with subject rights, is that correct?

[redacted] Yes sir.

Martinez: And you read that form?

[redacted] Yes sir.

Martinez: And do you understand that form?

[redacted] Yes sir.

Martinez: Do you have any questions regarding that form?

[redacted] No sir.

Martinez: And is there any reason why this interview cannot go forward today?

[redacted] None that I know of.

Martinez: And I understand that you are not signing the form, as advised by your representative, is that correct?

[redacted] Correct.

Martinez: And Mr. Dixon?

Dixon: Yes, the reason why Deputy [redacted] is not signing the form, it's been the Department's position that when the deputies sign the form, they're waiving their rights under the Civil Service rules. We do not agree with that position. So we've instructed the deputies not to sign the form. However, Deputy [redacted] will cooperate in the investigation and give full, complete and truthful answers.

Martinez: Thank you. Okay, and we're here today in regards to a force incident, and the force incident is documented under FO2310693. The incident occurred on April 7th, 2012, at approximately 16:50 hours, which is a Saturday. Deputy [redacted], were you on duty on that date?

[redacted] Yes sir.

Martinez: And did you respond to an incident involving a burglary suspect, on that date?

[redacted] I did.

Martinez: And did you respond to a command post?

[redacted] Yes sir.

Martinez: And where was that command post?

[redacted] The command post was at a 7-11. Right now I can't tell you the exact –

Martinez: Okay.

[redacted] (Inaudible).

Martinez: And did, were you with any other deputies at this command post?

[redacted] Yes sir.

Martinez: And who was that?

[redacted] I was with Deputy Brian Vance.

Martinez: And while at the command post, did you leave the command post and respond to [redacted] Heleo Avenue?

[redacted] Yes sir.

Martinez: And why was that?

[redacted] Because Aero put out, the Aero Unit put out on the radio that they spotted the suspect at that location.

Martinez: And was there, and there was a containment set up?

[redacted] Yes sir.

Martinez: And you say that Aero put out information that the suspect was seen at [redacted] Heleo?

[redacted] Yes sir.

Martinez: And you and Deputy Vance responded to that location?

[redacted] Yes sir.

Martinez: And what did you do when you arrived at the location?

[redacted] When I arrived, I took a position in the driveway. It's going to be to the north of the property.

Martinez: And was anyone with you at your location?

[redacted] Yes sir.

Martinez: Who –

[redacted] Deputy Vance was also there, along with other deputies.

Martinez: And these other deputies, were they with you guys at, on the north side of the property, or were they elsewhere?

[redacted] No, they were elsewhere.

Martinez: And do you remember where they were?

[redacted] Well, we're in the containment. There are some deputies north of me, but mostly they took the south side of the yard, some of the other deputies. I was on the north, they were on the south.

Martinez: And while you were at this location, did you see the suspect?

[redacted] Yes sir.

Martinez: When did you first see the suspect?

[redacted] I saw the suspect in the backyard. He was walking in the northwest part of the backyard.

Martinez: And what was he doing?

[redacted] He was just walking up towards the wooden gate that separated the front yard to the backyard.

Martinez: And from your position, were you having to look through a fence, over a fence or how were you able to see into the backyard?

[redacted] I was looking over a wooden gate.

Martinez: You see the suspect, he's walking and what happens next?

[redacted] I start giving him commands to show me his hands.

Martinez: Does he comply?

[redacted] Initially he complied.

Martinez: And is he still moving, or is he stopped now?

[redacted] No, at this time he's stopped at the wooden gate.

Martinez: So you're on one side of the gate, he's on the other?

[redacted] Yes sir.

Martinez: And you said with you is Deputy Vance?

[redacted] By this time, everyone has already heard me you know, give commands. We all started approaching the gate.

Martinez: So you're giving him commands loud enough that the other deputies, that you said were on the south portion of the yard, are responding towards your location?

[redacted] Yes sir.

Martinez: And you say initially he's complying with your commands to show his hands to you, what happens next?

[redacted] I tell him, "Show me your hands, show me your hands." He puts his hands on top of the wooden gate and then he takes his hands off and he drops behind the gate, and out of my view.

Martinez: What happens next?

[redacted] We approach the gate. Once I get fairly close to the gate, close enough for me to look over, I look over, I see him crouched and then he takes off running eastbound through the backyard.

Martinez: And what happens next?

[redacted] Deputy Vance then tased him.

Martinez: And when Deputy Vance tased him, did it have any effect on the suspect?

[redacted] Yes, it was effective.

Martinez: And how was it effective?

[redacted] He stopped and he fell, he stopped his forward motion and he fell backward.

Martinez: And what happened next?

[redacted] Fell backwards. As we're, as we're going to the gate, the taser stops. Then the suspect tries to get up. You want me to keep going?

Martinez: Did, okay, you said as we're going through the gate. Did anyone say, "Hey, let's go through the gate, let's do something." or did you all just take it upon yourselves to go through the gate?

[redacted] No, I believe Deputy Vance was telling us to go through the gate.

Martinez: And he was telling you to go through the gate, anything else besides, "Hey guys, go through the gate."?

[redacted] I can't remember sir.

Martinez: Why were you going through the gate?

[redacted] To control the suspect.

Martinez: Okay.

Velasquez: Prior to, when you get to the property on Heleo, you say you see the suspect walking around in the property?

[redacted] No.

Velasquez: Once you get to the property on Heleo, you see the suspect in the backyard?

[redacted] Yes sir.

Velasquez: And he's walking around?

[redacted] Yes sir.

Velasquez: What is his demeanor?

[redacted] I couldn't tell at that time.

Velasquez: What was he dressed –

[redacted] He just had his boxers on.

Velasquez: His boxers.

[redacted] His boxers.

Velasquez: No pants?

[redacted] Not, well when I was standing on the west side of the gate, when I was still in the front yard, of course I couldn't see, but I could tell he didn't have a shirt on.

Velasquez: Okay.

[redacted] Once the incident unfolded and we got through the gate and I was actually able to see his whole body, he only had boxers on.

Velasquez: Did he have shoes on, do you recall?

[redacted] I don't believe so, but I really don't recall.

Velasquez: So you're dealing with a man with boxers, no shirt, no pants, possibly shoes. Was his hair disheveled?

[redacted] There wasn't very much hair. He was pretty much –

Velasquez: What was the look on his face?

[redacted] He had that thousand yard stare. The no one's home look.

Velasquez: And what did you think, at that time, as you're giving him commands, and you made a motion earlier that you raised him up to the gate, so that is about chest level. Okay, what are you thinking at that time?

[redacted] Well he actually placed his hands on the gate.

Velasquez: Okay.

[redacted] But –

Velasquez: And at that point, what are you thinking?

[redacted] I don't know what we're dealing with here, other than we have a felony suspect, he broke into a home, the mom, four little girls were home, but that's all I knew at that time.

Velasquez: And at this time, Deputy Vance is giving commands to the situation?

[redacted] I'm giving commands, Deputy Vance is giving commands. Lots of commands.

Martinez: You guys are giving commands to the suspect, but then you said Deputy Vance deploys the taser, and then he instructs you guys to go through the gate, to get the guy?

[redacted] Yes sir.

Martinez: So at that point, is Deputy Vance in charge of the incident?

[redacted] I'd say Deputy Vance is in charge of the incident, yes sir.

Martinez: He's directing you guys to, he's giving you guys orders on what to do to get the suspect?

[redacted] Yes sir.

Martinez: Correct?

[redacted] That's correct.

Martinez: You guys go through and you said he deployed the taser, you guys go through, it had effect on him, and then what happens next?

[redacted] We're going through the gate, the taser stops and the suspect tries to get up.

Martinez: And what happens next?

[redacted] I hear the taser cycle again. It looked effective and by this time –

Martinez: Let me stop you. What do you mean it looked effective?

[redacted] The suspect stopped trying to –

Martinez: So he's still on the ground?

[redacted] Correct.

Martinez: It looks effective, he's still on the ground, you guys are approaching him?

[redacted] Yes sir.

Martinez: And what happens next?

[redacted] I grab his right arm. This is after the taser stopped cycling.

Martinez: Okay.

[redacted] I grab his right arm. He starts to struggle. I notice he's –

Martinez: What do you mean he starts to struggle, and is he still laying on the ground?

[redacted] He's laying on the ground. I have his right arm, he's trying to pull his right arm away from my grasp.

Martinez: Are you saying anything to him?

[redacted] Stop fighting. Other than that, just stop fighting.

Martinez: Is he saying anything?

[redacted] I don't remember him saying anything.

Martinez: Are there other deputies with you as, when you, you have hold of his right arm. Are there other deputies with you?

[redacted] Yes sir.

Martinez: And what are they doing?

[redacted] Saw Deputy [redacted] trying to take control of his left arm, and then –

Martinez: Anyone else?

[redacted] Yes sir. Deputy [redacted] was trying to take control of his legs.

Martinez: And when you guys were doing this, was Deputy Vance still on the other side of the gate, or was he back there with you guys? If you know.

[redacted] At this time, I don't believe Deputy Vance had went through the gate yet.

Martinez: So you said that you have control, or you grabbed his right arm and he was struggling?

[redacted] Correct, he was trying to rip his right arm away from my grasp.

Martinez: And what did you do next?

[redacted] I'm just trying to control his right arm and give him verbal commands to stop fighting.

Martinez: And he stopped fighting, or is he still fighting?

[redacted] No, he's still fighting.

Martinez: Is he doing, when you're saying he's fighting, what is he doing?

[redacted] He's trying to kick the deputies with his feet. He's trying to take his right arm out of my grasp, and it looked to me like he was trying to take his left arm out of Deputy [redacted] grasp.

Martinez: And you guys are all on the ground, or are you standing up at this point?

[redacted] No, we were knelt down.

Martinez: You were knelt down.

[redacted] I was knelt down.

Martinez: And what happens next? After the second cycle of the taser, and you guys, you're struggling with his right arm, Deputy [redacted] I believe you said, is struggling with his left arm. He's kicking, what happens next?

[redacted] Deputy Vance punches him.

Martinez: And how many times?

[redacted] I saw him punch him twice.

Martinez: Did these have any effect on the suspect?

[redacted] It did.

Martinez: And what effect did it have on the suspect?

[redacted] Once the suspect was punched, then he stopped fighting, or stopped fighting as much. We were able to take control after this.

Martinez: And you said Deputy Vance punched him twice. Was it in rapid succession, or how did he punch him twice?

[redacted] They were, they punches were pretty close together. I would say less than a second between the punches.

Martinez: Did the guy stop fighting after the first punch?

[redacted] No sir.

Martinez: But you were able to control after the second punch, it was easier to gain control of the suspect?

[redacted] Yes sir. He didn't –

Martinez: Go ahead.

[redacted] After the second punch, he was still fighting, but he wasn't fighting as much.

Martinez: And you were able to gain control?

[redacted] Yes sir.

Martinez: And did you guys handcuff him?

[redacted] Yes sir.

Martinez: Anything else?

[redacted] He was hobbled.

Martinez: And that took, that ended the fight?

[redacted] After he was handcuffed, and he was hobbled, then he stopped fighting.

Velasquez: After he was handcuffed, did you see the suspect doing anything?

[redacted] No sir.

Velasquez: Was there any blood involved?

[redacted] Yes sir, there was a lot of blood.

Martinez: And where did the blood come from?

[redacted] I think it was coming from, it was coming from his head area, but I never saw an open wound. Exactly where it was coming from, I don't know.

Martinez: So once the suspect's handcuffed, hobbled, he's on the ground?

[redacted] Yes sir.

Martinez: And is he, does he do anything else once he's on the ground?

[redacted] He's licking his blood off the concrete.

Velasquez: And what's his demeanor then? Is he saying anything at this time? Is he (inaudible) is he laughing, was he screaming?

[redacted] I don't remember him saying anything. I noticed his eyes weren't able to focus. He keeps, I said he was licking the blood off the concrete. He kept, keeps opening his mouth and doing stuff with his tongue, he's licking his lips, he's trying to lick his cheeks. He keeps, he keeps moving and that's pretty much it.

Martinez: Have you ever encountered a suspect on the ground acting this way, licking his own blood?

[redacted] No sir.

Martinez: I've got nothing else. Anything you'd like to add Deputy [redacted]

[redacted] No sir.

Martinez: Oh, and just one thing, you wrote a supplemental report regarding this incident, correct?

[redacted] Yes sir.

Martinez: Alright, we'll be going off tape. The time is 11:38 AM.

End of report.

DEPUTY [redacted]

DEPUTY [redacted]

Martinez: This is Sergeant Richard Martinez, M-A-R-T-I-N-E-Z, of the Internal Affairs Bureau. The time is 11:02 AM. Today's date is Monday, January 28th, 2013. We are at the Internal Affairs Bureau. Also present in this interview is my partner.

Velasquez: Sergeant Hector Velasquez, V-E-L-A-S-Q-U-E-Z.

Martinez: And also present is deputy?

[redacted] [redacted]

Martinez: Your first name sir?

[redacted] [redacted]

Martinez: And also present in the interview is?

Dixon: David Dixon from the Law Office of Green and Shinee, D-I-X-O-N.

Martinez: And you are here representing Deputy [redacted]

Dixon: Yes.

Martinez: Deputy [redacted] prior to us going on tape, I gave you a form. It's an admonition for sworn and non-sworn witnesses with subject rights, is that correct?

[redacted] Yes sir.

Martinez: Did you read that form?

[redacted] Yes sir, I did.

Martinez: Do you understand it?

[redacted] Yes sir, I do.

Martinez: Do you have any questions regarding this form?

[redacted] No, I don't.

Martinez: And is there any reason why this interview cannot go forward today?

[redacted] No, there's no reason that it shouldn't.

Martinez: Could you initial this? Okay. And Deputy [redacted], you did not sign this form, correct, at advice of your representative?

[redacted] That's correct sir.

Martinez: Okay.

Dixon: And the reason why Deputy [redacted] did not sign the form, it's been the Department's position that when the deputies sign the form, they're waiving their rights under the Civil Service rules. We do not agree with that position. So we've instructed the deputies not to sign the form. However, Deputy [redacted] will cooperate in the investigation and give full, complete and truthful answers.

Martinez: Thank you. Okay, Deputy [redacted], we're here today in regards to an incident that occurred on April 7th, of 2012. It's a force incident and it's under case FO2310693. Deputy [redacted], were you on duty April 7th, 2012?

[redacted] Yes sir, I was.

Martinez: And did you have an occasion to respond to [redacted] Heleo, I don't know if it's Avenue or Road?

[redacted] It's Avenue sir.

Martinez: Avenue, okay. Did you respond to that location?

[redacted] Yes sir.

Martinez: And why did you respond to that location?

[redacted] We had a burglary suspect and I was taking up a containment position.

Martinez: And what was your position?

[redacted] I was at Heleo, just north of Lower Azusa, right there at, I was at the, on the, of the street, parked on the curb.

Martinez: And from your position there, how far is that from [redacted] Heleo?

[redacted] It's, from where I was, I was literally in the south corner of the residence right there.

Martinez: So of the property, you were on the south –

[redacted] Of the property, I was right there at the south corner of the property.

Martinez: And was anyone else with you?

[redacted] Deputy [redacted] was with me.

Martinez: And were you guys working a two man car or were you in separate cars?

[redacted] We were in separate cars.

Martinez: Alright, and again, you said you were there and it was due to a burglary suspect?

[redacted] Yes sir.

Martinez: And what was this burglary suspect doing?

[redacted] He had basically done a burglary at a house that was just east of our location. So I was directed to go over to that containment spot. So that's where I set up.

Martinez: And while you were at this containment spot, did any additional information come to you?

[redacted] I heard that Aero, Aero advised us that he had seen the guy and the suspect in the backyard of that residence I was right in front of, so.

Martinez: And that's [redacted] Heleo?

[redacted] Yes sir.

Martinez: And what was the suspect doing, if you know?

[redacted] He just said that he saw him in the backyard. I didn't, I don't know if he you know, until I actually, initially saw him, like when we responded over there, I didn't, I didn't see any actions that he had done.

Martinez: And did any other deputies arrive at your location?

[redacted] Yes, Deputy Vance and Deputy [redacted] they arrived at our location.

Martinez: And what did they do?

[redacted] They went ahead and positioned themselves on the northern side of the residence, and then I saw Deputy [redacted] he basically said that he had seen the suspect.

Martinez: And when he said that he saw the suspect, what happened next?

[redacted] I saw, I looked towards Deputy [redacted] direction and I saw that he was looking towards the, there was a gate there. So I went ahead and saw the suspect, once I directed my focus towards the gate. I saw him, he

was, looked up at the gate, he looked at us and then he crouched down behind the gate.

Martinez: And where were you when you saw this?

[redacted] I was just south of where Deputy [redacted] and Deputy Vance were. At the south end of the residence there.

Martinez: And this is near the driveway?

[redacted] It's along the, just, it's right along the curb, but I was positioned on the south of the residence, just east of the curb line there.

Martinez: And did you ever, okay, so did Deputy [redacted] and Deputy Vance were, were giving commands?

[redacted] Yes, I heard –

Martinez: To the suspect?

[redacted] I did hear Deputy Vance tell the suspect to see his hands, I heard that, and that's when the suspect basically crouched down behind the gate, and –

Martinez: And what happened next?

[redacted] Then I saw Deputy Vance and [redacted] approach the suspect. So I went ahead and, being that they were, myself, I was pretty much the only unit that was, me and Deputy [redacted] we were the only personnel that were in that immediate area.

Martinez: Uh huh.

[redacted] I went to assist them with basically taking the suspect into custody.

Martinez: And as you went to assist them, what did you see, or what happened?

[redacted] I saw the suspect, I mean I saw Deputy Vance, I heard him say that you know, "Stop." and then I saw the suspect turn and start, start running, and then I saw Deputy Vance tase him.

Martinez: And could you see if this, the taser had any effect on the suspect?

[redacted] Yes sir, when the suspect was tased, it did have an effect on him and he fell to the ground.

Martinez: And what were you guys, you guys meaning the deputies, doing when he fell to the ground?

[redacted] We were behind the gate, right there behind Deputy Vance. Deputy Vance told us you know, to direct us to go and get him. We went ahead and I undid the latch of the gate, we went in, and we made contact with him.

Martinez: And who is we?

[redacted] Myself, Deputy [redacted] and Deputy [redacted]

Martinez: And what was the suspect doing when you guys were making your approach to him?

[redacted] We were approaching him and he basically, he was being tased. We, I made contact. I grabbed his left arm and attempted to try to get it in a control hold, and the taser basically deactivated. He attempted to get up and we, we began to basically, myself and Deputy [redacted] we began struggling to try to keep him down with a control hold.

Martinez: And you said you grabbed hold of his left arm?

[redacted] Yes sir, I grabbed his left arm and Deputy [redacted] grabbed his right arm.

Martinez: And you said you were trying to control him. What, what did you do in your attempt to try and control him?

[redacted] I grabbed, I grabbed his wrist and placed it in a rear wristlock, so I could control his arms.

Martinez: Did you strike him at all?

[redacted] No, I didn't strike him.

Martinez: And as you're trying to control him, what happens next?

[redacted] Well basically we were trying to control him. The taser went ahead and deactivated and then from there, as we're trying to control him, he starts, he started trying to kick me with his feet, because his feet were, we, we had his arms and his feet were loose. So he started trying to get up, trying to kick us. So then that's when I saw Deputy Vance come in and he basically, I saw him strike him in the head. The first one that I saw, he continued to fight, the suspect continued to fight, and it was ineffective. I saw him strike him again, and the suspect then stopped fighting, and then at that time Deputy [redacted] and I were able to handcuff him.

Martinez: And you said you saw Deputy Vance strike the suspect twice?

[redacted] Yes sir, I saw him strike him twice.

Martinez: And what did he strike him with?

[redacted] His fist.

Velasquez: I'm going to take you back just a little bit. When you get to the fence, and the suspect is running away from you guys, the four deputies, how far did he get before he gets tased?

[redacted] I would estimate about three feet.

Velasquez: About three feet from the gate?

[redacted] Yeah, it would be my estimation.

Velasquez: Okay, and now you make entry into the gate. His head is facing away from you or –

[redacted] When he fell back, he fell back. So his head was actually facing west.

Velasquez: Okay.

[redacted] So he was positioned like north/south, and his head was facing west.

Velasquez: And now you get in there and you grab his left arm, and you say he's struggling. Can you describe what he's doing to put up a struggle, what are you feeling?

[redacted] He, well he was trying to basically break away from our grasp, and he was trying to get away. And he was, he was kicking and he was trying to elbow us. Any means that he could, at that time, what he had to get away.

Velasquez: So he's not just lying there, letting you manipulate his arms?

[redacted] No.

Velasquez: He's actually resisting with his arms?

[redacted] Yes.

Velasquez: Whatever pressure you're trying to put on there?

[redacted] Yes sir, absolutely.

Martinez: And you said that while Deputy Vance tased him, he directed you guys to go in and get him?

[redacted] Uh huh.

Martinez: Was he in charge of the situation? Meaning Deputy Vance?

[redacted] Well Deputy Vance was more senior deputy there. So we basically took his, took his lead on basically the commands, because he was the senior deputy there.

Martinez: And he directed you guys to go into make contact with the guy, once the guy fell down on the ground, after being tased?

[redacted] Yes sir.

Martinez: And then just to clarify, Deputy Vance struck him twice with his fist, and that caused the suspect to stop fighting, resisting, trying to get away from you guys?

[redacted] Yes sir, that, those, the first strike didn't affect him. The second strike, it did affect him, and then [redacted] and I were able to basically handcuff him, because he had stopped fighting at that point.

Martinez: During your struggle, was anyone, deputy wise, or the suspect, saying anything?

[redacted] Deputy Vance, I heard him, I heard him yell commands to stop, but I mean the suspect didn't stop.

Martinez: And you said you heard Deputy Vance yell commands. What commands did you, do you remember him saying?

[redacted] I remember him saying, saying, "Stop fighting." I remember him saying that, but I don't recall any other commands that he said.

Velasquez: Did you put out any radio traffic?

[redacted] No sir, I didn't.

Velasquez: And why is that?

[redacted] Because I was, at the time, I was trying to control his hands and everything. So I didn't have the ability to put that out at the time. If I would have been watching it, and I wasn't involved directly into it, I could have put out traffic then.

Martinez: And from the time you heard Deputy Vance and [redacted] yelling at the suspect, who's on their side of the gate, to the time you guys were on him, trying to handcuff him, how much time would you say elapsed?

[redacted] To me, it felt like, I mean no more than seconds.

Martinez: So it was almost instantaneous, from the time they saw the suspect, gave him commands, and then Deputy Vance deployed the taser, it was seconds?

[redacted] It was, it was a very rapid situation. I mean it happened very quickly, because the suspect turned and was going to, he was going to run and escape.

Martinez: I have nothing else. Anyone have anything else? Anything you'd like to add?

[redacted] No sir.

Martinez: Very good. We'll be going off tape. The time is 11:15 AM.

End of report.

DEPUTY [redacted]

DEPUTY [redacted]

Martinez: This is Sergeant Richard Martinez, M-A-R-T-I-N-E-Z. Today's date is Monday, January 28th, 2013. The time is 11:43 AM. We are at the Internal Affairs Bureau. We're conducting an investigation in regards to a use of force under FO2310693. Also present in the room is my partner.

Velasquez: Sergeant Hector Velasquez, V-E-L-A-S-Q-U-E-Z.

Martinez: Also present in the room is deputy?

[redacted] [redacted]

Martinez: And also present in the room is Mr. [redacted] representative?

Dixon: Yes, David Dixon from the Law Office of Green and Shinee, D-I-X-O-N.

Martinez: And Deputy [redacted] prior to going on tape, I gave you an admonition for sworn and non-sworn witnesses with subject rights, is that correct?

[redacted] Yes.

Martinez: And you read that form?

[redacted] Yes.

Martinez: Do you understand that form?

[redacted] Yes.

Martinez: Do you have any questions regarding that form?

[redacted] No.

Martinez: And I understand, under advice from you representative, you are not signing that form, is that correct?

[redacted] Yes.

Martinez: And Mr. Dixon?

Dixon: Yes, the reason why Deputy [redacted] will not be signing the form, it's been the Department's position that when the deputies sign the form, they are waiving their rights under the Civil Service rules. We do not agree with that position. So we've instructed the deputies not to sign the form.

However, Deputy [redacted] will cooperate in the investigation and give full, complete and truthful answers.

Martinez: And we'll start some questions here. Deputy [redacted] this is in regards to a burglary, and again I said a force incident, that occurred on April 7th, of 2012, and it happened at approximately 16:50 hours, which was a Saturday, and it occurred at [redacted] Heleo Avenue. Are you familiar with that incident?

[redacted] Yes I am.

Martinez: And were you at this incident?

[redacted] Yes.

Martinez: And tell me how you became, how you came about arriving at this incident.

[redacted] There was a call put in for a 459 Now. Handling units got it, it was a Temple City unit. I was working Rosemead at that time. I responded just for containment and to, I added myself to the call. Once I got there, the suspect has hopped several fences and we set up containment and I was on containment at Heleo and Lower Azusa.

Martinez: While you were at your containment position of Lower Azusa and Heleo, did you get any further information as regards to the suspect?

[redacted] His location, or –

Martinez: Yes, his location.

[redacted] Yes.

Martinez: And what, and who did you get this information from?

[redacted] From the resident that lived on Heleo. I, it's [redacted] Heleo Avenue, it was a husband and wife that lived in there, and they came out yelling the suspect was in her backyard, or their backyard, and gave a suspect description. Aero was above, and gave updates of the suspects' movement as well.

Martinez: And what did you do after receiving this information from the resident, and from Aero?

[redacted] Depending on what, he kept hopping back and forth between fences. At one point the residents of [redacted] came out and said he's running towards Heleo, and at that time Deputy Berner, who was north of that location, of [redacted] along with Vance and his trainee, which was [redacted] ran towards

the side, the north side yard gate. I went, Deputy [redacted] who was on the south end of that house, ran up towards the north end of the side gate, and that's when we saw the suspect in the side yard.

Martinez: And after seeing the suspect in the side yard, what was the suspect doing?

[redacted] He saw us, and then he immediately turned around to run back towards the backyard, and that's when Deputy Vance deployed the taser.

Martinez: And did you see if the deployment of the taser had any effect on the suspect?

[redacted] Yes, it did. It made the suspect fall forward, onto a parked vehicle.

Martinez: And then once he fell on the parked vehicle, did he stay on the parked vehicle or?

[redacted] No, when he fell forward, we ran around to, there's a fairly high wooden gate. I'm fairly short, so I couldn't really see all the way over it. So I could see the suspects' head and maybe his shoulders. I saw him fall forward. So I ran around to the gate, which the gate, the whole fence was maybe ten feet wide. Went through the gate, and by the time I got through the gate, I saw the suspect on the floor, flopping around because of the tasing was still ongoing.

Martinez: And why did you go through the gate?

[redacted] As opposed to what sir?

Martinez: As opposed to not going through the gate.

[redacted] To apprehend the suspect, keep him from fleeing.

Martinez: Were there any other deputies with you?

[redacted] Yes.

Martinez: And was anyone telling you guys to go through the gate, or did you –

[redacted] No, we just instinctively.

Martinez: You just all instinctively went through the gate?

[redacted] Yes sir.

Martinez: And okay, you said you saw the suspect flopping around on the ground, from the taser?

[redacted] Yes.

Martinez: And then what happened next?

[redacted] I saw the suspect attempting to get up. I grabbed his legs. Deputy Berner grabbed one of the suspects' arms, Deputy [redacted] grabbed another arm, Deputy [redacted] also grabbed the knee area of the suspect, and Deputy Vance began doing head strikes on the suspect.

Martinez: And head strikes with what?

[redacted] With his hands.

Martinez: And did all this stuff have any effect on the suspect?

[redacted] Yes. He began to comply, because he wasn't willfully putting his hands behind his back. Even with Deputy [redacted] and Deputy Berner attempting to put their hands behind his back, he was still attempting to fight with Deputy [redacted] and Deputy Berner. So that's why Deputy Vance continued to punch the suspect in the face, which made him comply and put his hands behind his back.

Martinez: And how many times did Deputy Vance hit the suspect?

[redacted] Once, maybe twice, from what I saw sir.

Martinez: Okay.

Velasquez: Why did you go for the legs? I believe you said you went for the legs?

[redacted] Yes sir.

Velasquez: Why did you go for the legs?

[redacted] I was one of the last ones in. I think the only one after me was Deputy [redacted] and his legs were, he was still trying to kick. Deputy [redacted] and Deputy Berner were in right after Vance, and grabbed his arms and he was trying to kick my partner. So I you know, attempted to protect my partners.

Velasquez: And how did you neutralize his legs?

[redacted] I grabbed both of his ankles and I grabbed hobble restraint and hobbled his legs together.

Velasquez: And were you standing, were you on the ground?

[redacted] I was on the ground.

Velasquez: Were you on your knees?

[redacted] I think my knees were at the back of his knees, grabbing his ankles.

Velasquez: And at this time is the suspect saying anything?

[redacted] He was screaming, because he bit his lip and bleeding from the mouth, because of, from what I believe, during the tazing, he bit his tongue, and that's when he was bleeding from the mouth.

Velasquez: But you didn't see that?

[redacted] He was bleeding from the mouth prior to the strikes from Deputy Vance.

Velasquez: Oh okay. (Inaudible).

[redacted] From what I remember sir.

Velasquez: From what you remember.

[redacted] Yeah.

Velasquez: So now you're on his legs and prior to applying the hobble, what is the suspect doing as you're trying to control his legs?

[redacted] He was trying to kick and still get up, and hit Deputy [redacted] and Deputy Berner.

Velasquez: And at this point is when you decided to use the hobble restraint?

[redacted] Yes.

Velasquez: And what happened after you put the hobble on him? His reaction.

[redacted] This is all happening at the same time. You know, I was putting on the hobble when Deputy Vance was hitting the suspect. And he became compliant and put his hands behind the back. We rolled him on his side and he started you know, spitting up blood. I don't remember any statements that he made though.

Velasquez: I wasn't going to ask for statements. What I'm trying to get is, you hobble him. You secure the hobble, what is he doing with his legs at that point?

[redacted] I –

Velasquez: After he's hobbled.

[redacted] I believe he was pretty much compliant after –

Velasquez: And when you're applying the hobble, if I got the picture correctly, you said you were on his knees. So you're facing towards his head or are you facing towards his legs?

[redacted] I was all you know, when I was trying to put on the hobble, I was pinning his legs down with my knees.

Velasquez: Okay.

[redacted] And his legs came out, and I put the hobble on. It was during the whole incident, I was you know, you know, on the you know, on the pavement, on his knees. Moving around you know, trying to you know, gain advantage and leverage on his legs, so.

Velasquez: So you were moving?

[redacted] Yeah.

Velasquez: On both sides of the body?

[redacted] Yes.

Velasquez: Okay.

Martinez: You have anything to add?

[redacted] No sir.

Martinez: Alright. We'll be going off tape. The time is 11:54.

End of report.

SUSPECT JIMMY DANG

SUSPECT DANG

Long: It's Sergeant James Long, L.A. County Sheriffs, Temple Station. It's 7:42 in the evening at San Gabriel Medical Center, at Las Tunas and Santa Anita in the City of San Gabriel, talking to Jimmy Dang. Mr. Dang?

Dang: Yes sir.

Long: I'm Sergeant Long. You're at the hospital, do you know where you're at?

Dang: The hospital.

Long: What happened today?

Dang: I ran away when I saw you. I think I have a warrant right now, arrest and I've been doing drugs.

Long: So what you said is you ran away. What did you run away from?

Dang: Ran away, I didn't say I ran away.

Long: Well what did you say?

Dang: I ran away from you guys.

Long: Us guys, the police?

Dang: I have a warrant on me.

Long: You have a warrant?

Dang: I don't want my time to be stopped.

Long: Okay.

Dang: Another year.

Long: So you're on parole then, correct?

Dang: Uh huh.

Long: And at some point you saw deputy sheriffs and you ran?

Dang: Yeah.

Long: And what did you do?

Dang: I just keep low a little bit. I mean like you know how you, the cops are like, "Okay, stay inside."

Long: Okay.

Dang: Yeah, so then that's what I did.

Long: Staying low is you hid in a yard? You went into somebody else's' backyard?

Dang: Uh huh.

Long: You know what City you were in?

Dang: I don't know. They kicked me out of my house. A bunch of friends, I live over there.

Long: Okay.

Dang: Because I live over there. They kicked me out.

Long: They kicked you out of your house. Where is your house at?

Dang: I don't even know, it's over there.

Long: Over there. You don't know where you live? What City do you live in?

Dang: I live in Lancaster.

Long: Lancaster, okay. Do you know where Temple City is?

Dang: Uh huh.

Long: Did you live in Temple City?

Dang: No, I just get lost up there sometimes.

Long: Any reason why you'd be in Temple City today?

Dang: That was Temple City?

Long: That was Temple City.

Dang: I don't know sir, but –

Long: Okay. At some point did you see the deputy sheriffs?

Dang: Yeah.

Long: And they came to a yard you were hiding in, right?

Dang: Yes sir.

Long: What happened?

Dang: Nothing happened sir. The time I jumped down and I just hit my mouth on the concrete floor. You know how you jump from high.

Long: Okay.

Dang: Yeah.

Long: So when you saw the deputies you hit the, you fell and hit the floor?

Dang: No, that was the first one.

Long: The first one?

Dang: From the swimming pool.

Long: From what?

Dang: Swimming pool. Swimming pool in the middle.

Long: A swimming pool. So did you, oh, did you hit your head on a swimming pool?

Dang: No, (inaudible) swimming pool at that one spot.

Long: Okay.

Dang: And that's where you guys got me, is the side of the, once you get up to the door from the, when you pass the pool hall. You open the door, that way, their parking lot, that's when you got me.

Long: It was a driveway right? You say parking lot, it was a driveway to a house?

Dang: Right, right, yeah.

Long: And you remember falling down?

Dang: Yeah, I slipped.

Long: You slipped?

Dang: Yes sir.

Long: And did you hit your head or what happened?

Dang: No. (Inaudible).

Long: What did the deputies tell you to do?

Dang: Lay down, on the floor. Just freeze. Stay right there.

Long: And then what happened? Did they handcuff you or?

Dang: Handcuffed me.

Long: Do you recall anything else the deputies did?

Dang: No.

Long: Is there anything you did to the deputies?

Dang: No.

Long: No. Okay, and your tongue has got an injury on it. Did you hurt that today, your tongue, or is that an old injury?

Dang: No, that's a long time ago.

Long: That's a long time ago?

Dang: In prison.

Long: In prison, okay. Alright.

Dang: It's just –

Long: Do you recall being shot with a Taser?

Dang: Uh huh.

Long: Did you feel the Taser?

Dang: Yeah.

Long: Did, it worked on you didn't it?

Dang: It's effective.

Long: Okay. And after the Taser, what did you do?

Dang: I said sorry, that's it, I went down.

Long: Okay.

Dang: I gave up.

Long: And you remember trying to get up after that?

Dang: No.

Long: Did the deputies do anything after that point?

Dang: No.

Long: Okay, Sergeant Long, ending the interview.

End of report.

SUSPECT DANG

Hoang: We're on, okay, Sergeant Long. Hi, this is Sergeant Hoang. It's about 7:45 at night. I heard the discussion you had with Sergeant Long here. I need to know if you're on any medication right now?

Dang: No.

Hoang: Are you being treated for any mental illnesses?

Dang: No.

Hoang: And you said earlier in your interview that you were doing some drugs, right?

Dang: Yeah.

Hoang: What kind of drugs were you doing, do you know?

Dang: A ton.

Hoang: Methamphetamines? How much did you have?

Dang: I have all day, but I smoked it. When I smoke it, I hold it.

Hoang: How much did you smoke?

Dang: I smoked at least (inaudible), almost an eight ball.

Hoang: Almost an eight ball today?

Dang: Uh huh.

Hoang: Alright (inaudible).

Dang: No, in three days.

Hoang: So you're pretty under the influence, tweaked out right now?

Dang: Yeah.

Hoang: Where are you hurting? Are you in any pain whatsoever?

Dang: No.

Hoang: You're not in any pain?

Dang: On my knee, only my knee.

Hoang: Only your knees? What do you think the knee was from?

Dang: (Inaudible) elbow.

Hoang: What's that?

Dang: My ankle.

Hoang: Your ankles?

Dang: That's the only thing I feel right now.

Hoang: That's the only thing you feel? You got too much meth in you?

Dang: Yes.

Hoang: So pretty much you feel pretty much nothing now?

Dang: Yeah.

Hoang: So your ankles, is it because they're, what's wrong with your ankles?

Dang: Just tied up now.

Hoang: They're tied up right now, because we're afraid that you might kick somebody, okay?

Dang: Yes sir.

Hoang: So you're doing alright right now, okay?

Dang: Uh huh.

Hoang: So the only thing that you're hurting is on your ankles, right?

Dang: Yeah.

Hoang: And that's from the tying?

Dang: Yeah.

Hoang: Is there anything else that you didn't share with Sergeant Long you want to share with me tonight?

Dang: (Inaudible).

Hoang: Did any of the deputies hit you tonight?

Dang: No.

Hoang: They didn't hit you at all?

Dang: No.

Hoang: Did you get shot with like electrocution; do you remember anything like that?

Dang: Yeah.

Hoang: You do remember that?

Dang: Yeah.

Hoang: Alright, what were you doing at the time?

Dang: That's what (inaudible) I had just went to the corner to a thing. I wanted to jump over there cause everybody's over there already and I have a warrant, I have (inaudible) and so right there, where you guys have parked, that's the right, the middle seat, wherever you guys pulled me over.

Hoang: Can you tell me why the deputies shot you with that electric?

Dang: Because I didn't, I didn't what, I didn't listen to what they said.

Hoang: You didn't listen to what they said?

Dang: Yeah.

Hoang: What did you do by not listening to what they said?

Dang: I was just standing up and resisting.

Hoang: You were still standing up and resisting?

Dang: Yes sir.

Hoang: Did you do anything else?

Dang: No.

Hoang: What were you doing at the time? You stood up, I don't understand. Did you stand up when they told you to lay down or what? Please be more specific?

Dang: I just, to just get down, don't resist, put the hands up on me, the other handcuff, because I was, my hands were moving. (Inaudible) handcuffs. I can't even see my feet right now.

Hoang: Alright Jimmy. Anything else Sergeant Long?

Long: No, just you said that you were resistive and you didn't comply.

Dang: Yeah, that's why I got beat up.

Long: But you also said you fell.

Dang: Yeah, I fell down, and broke my –

Long: You fell after you were struck with the tazer or did you just fall before that as well?

Dang: I fell both, like one was, the first one was the other one, like before you guys even got through the doors, before the left side was a big dog.

Long: Oh okay, there was a yard, okay, you fell in a yard with a dog?

Dang: Yeah.

Long: Did you ever get injured, were you bleeding after that or no?

Dang: Bleeding in my mouth.

Long: Your mouth. That was from that fall?

Dang: Yeah.

Long: You have anything, alright.

Dang: No sir.

Long: You don't know what houses you're in. How many yards do you think you went in, three, four, five?

Dang: I don't even know.

Long: You don't know, okay.

Dang: No sir.

Long: So what happened to your clothes? At some point you had clothes on and now when we found you, you only had underwear, boxers.

Dang: I just, I walked, I tossed my other clothes somewhere around that area.

Long: Okay.

Dang: Yes sir.

Long: Alright, thank you. And that was just to avoid getting caught, right?

Dang: Yeah.

Long: Okay, thanks.

Dang: I just didn't want to, I mean, you know people would see. Like I think I jumped in the swimming pool. I don't know how to swim.

Long: Oh okay.

Dang: So I don't want (inaudible).

Long: Okay. Sergeant Long and it's ten to eight.

End of report.

EXHIBITS

EXHIBIT A

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 912-03805-0524-064	Date: 4/7/12		Time: 1802
Location: [redacted] Heleo Avenue		City or Station: Temple	
Bureau/Station/Facility: FOR I/ Temple Station		Admin. Investigation: YES ☐ NO ☒	
Type of Force: SIGNIFICANT / TASER / PERSONAL WEAPONS-FISTS / CONTROL TECHNIQUES / HOBBLE			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Vaughan	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Emp [redacted]	Last Name: Vance	First Name: Brian	Middle Name:
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: FOR I/ Temple Station	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [redacted]	[redacted]	Age: 38	Height: 607 / Weight: 225
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E2

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name:
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: FOR I/ Temple Station	Work Assignment (Unit #, Module, etc.): [redacted]
[redacted]	[redacted]	Age: [redacted]	Height: 602 / Weight: 200
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

E3

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name:
Sex: ☒ Male ☐ Female	Race: A	Unit of Assignment: FOR I/ Temple Station	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [redacted]	[redacted]	Age: 26	Height: 511 / Weight: 185
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

☒ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Long	James	Patrick	SGT	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Harris	Thomas	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hoang	Tri	

Tri Hoang
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

James Long
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Christopher P. Nee
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 03/12)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
912-03805-0524-064

Involved Employee

E 4

Employee # [redacted] Last Name [redacted] First Name [redacted] Middle Name

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: FOR I/ Temple Station | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] | Age: 34 | Height: 507 | Weight: 220

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☒

E__

Employee # Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☐

E__

Employee # Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☐

E__

Employee # Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☐

E__

Employee # Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ | Coroner Case # | Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
912 - 03805 - 0524 - 064

Suspect Information

S 1

Last Name: Dang	First Name: Jimmy	Middle Name: Van
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female | Race: A | [redacted]

Work Phone:	Home Phone:	Age: 28	Height: 504	D.O.B. 7-01-83	Weight: 125	Armed? ☐

Booking #: 3113676 Primary Charge Code: 459 PC Secondary Charge Code: Criminal History ☒

EMT in attendance? ☒ YES ☐ NO Name: LA County Fire /Paramedic Unit: Engine 42 Phone #: (626) 289-5454

Hospital Admission? ☒ Rec'd Treatment At: San Gabriel Valley Medical Center Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By Doctor: Au & Narimatsu Address: 438 W Las Tunas San Gabriel ca 91776 Phone #: (626)289-5454

Under Influence: ☒ YES ☐ NO Substance: Methamphetamine 5150 a factor in force ☐ YES ☒ NO User's guide provides direction on this entry

Date: 4/07/12 | Time: 1940 | ☐ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By Doctor: Address: Phone #:

Under Influence: ☐ YES ☐ NO Substance: 5150 a factor in force ☐ YES ☐ NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 2 - 0 3 8 0 5 - 0 5 2 4 - 0 6 4

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Berner	Scott	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
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Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
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Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**

☐ **Additional Witness**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
JIMMY DANG	S#1	Deputy Vance	E#1	UC	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	UC	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	RS	NN	
Deputy Vance	E#1	JIMMY DANG	S#1	TR	PW	BK
JIMMY DANG	S#1	Deputy Vance	E#1	RS	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	UC	NN	
Deputy Vance	E#1	JIMMY DANG	S#1	TR	CP	
JIMMY DANG	S#1	Deputy [redacted]	E#2	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	PK	NN	
Deputy [redacted]	E#2	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#4	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#3	JIMMY DANG	S#1	CT	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	RS	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	RS	NN	
JIMMY DANG	S#1	Deputy Vance	E#1	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	PK	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	PK	NN	

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(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
JIMMY DANG	S#1	Deputy Vance	E#1	PH	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#2	PH	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#4	PH	NN	
JIMMY DANG	S#1	Deputy [redacted]	E#3	PH	NN	
Deputy Vance	E#1	JIMMY DANG	S#1	PH	AB	FA
Deputy Vance	E#1	JIMMY DANG	S#1	PH	FR	FA
Deputy [redacted]	E#2	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#3	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#4	JIMMY DANG	S#1	CT	NN	
Deputy [redacted]	E#2	JIMMY DANG	E#4	RH	NN	
Deputy [redacted]	E#3	JIMMY DANG	S#1	RH	NN	
Deputy [redacted]	E#4	JIMMY DANG	S#1	HB	CP	AK

Supervisor's Report on Use of Force
912-03805-0524-064

7

Force Applied

SIGNIFICANT / TASER / PERSONAL WEAPONS-FISTS / CONTROL TECHNIQUES / HOBBLE

Incident Details

On April 7, 2012 at 4:55 pm, Temple Sheriff's Station units responded to an attempt burglary just occurred call (Ref Tag 225) at [redacted] Lower Azusa Road in the City of Temple City. Upon arrival deputies learned a residential burglary occurred and a possible suspect was seen running through yards approximately 1 block west of the location and Aero Bureau responded. Containment was established and a Command Post was formed. Canine Units responded to the Command Post, but elected not to deploy.

Arrest teams were formed and sent to the East and West sides of the containment. At [redacted] Heleo Avenue Deputies Brian Vance [redacted], [redacted] [redacted], [redacted] [redacted] and [redacted] [redacted] encountered the suspect, later identified as Jimmy Dang MA/7-1-83, who refused to comply with their verbal commands. The suspect turned to flee from the arrest team and a force incident ensued.

Deputies [redacted] and Vance observed the suspect behind the gate to the driveway at [redacted] Heleo Avenue and the suspect raised his arms in the air as if to surrender. The suspect was wearing underwear and no other clothing and he did not appear to be injured or bleeding. Suspect Dang refused the deputies commands and turned to run away from them. Deputy Vance fearing the suspect would flee to another possibly occupied residence deployed his Taser over the gate and struck the suspect in the back. The Taser was effective and the suspect fell to the ground. The Deputies ordered the suspect to stay on the ground as the made entry into the rear yard. Suspect Dang attempted to get up and Deputy Vance activated the Taser again. The Taser was effective for approximately five seconds. The suspect immediately attempted to rise up from the ground in an effort to assault the deputies and escape. Deput[redacted] grabbed Suspect Dang's right arm and Deputy [redacted] grabbed Suspect Dang's left arm and used control techniques in order to gain control. The suspect resisted efforts to be hand cuffed, rolled around and attempted to kick at the deputies. Deput[redacted] took hold of the suspect's legs in order to prevent any assaults on the other deputies and gain control of the assaultive suspect. Suspect Dang continued to resist and swing and kick at the deputies. Due to the close proximity of the other deputies, Deputy Vance was hesitant to activate the Taser a third time. Deputy Vance handed the Taser to Deputy Berner and then he struck Suspect Dang in the left cheek twice with his right fist. The strikes were effective and Suspect Dang stopped his assaultive actions. Deputies[redacted] and[redacted] handcuffed Suspect Dang without further incident while Deputy [redacted] placed a Ripp Hobble restraint around the Suspect's legs.

Supervisor's Report on Use of Force
912-03805-0524-064

A check of the Taser download revealed that there were three activations. Deputy Vance told me after activating the Taser the second time, he passed it to Deputy Berner. Deputy Vance stated the suspect was not Tasered a third time. I asked Deputy Berner, if he had any information about the Taser Deployments in this incident. Deputy Berner stated that a short time (1-2 minutes) after receiving the Taser from Deputy Vance, he recalled pulling the trigger for approximately 1 second. Deputy Berner stated the cartridge had been removed from the Taser and there was no further effect on Suspect Dang.

Suspect Dang was treated at the scene by Los Angeles County Fire Department personnel from Engine 42 (Ref LA CO Fire Incident #82293). He was transported to San Gabriel Valley Medical Center via America Medical Response Ambulance #542, where he was treated by Emergency Room Medical Staff and later transferred to the Los Angeles County Jail Ward.

Reported Use of Force by Involved Employee(s)

Deputies Vance, [redacted] and [redacted] documented their involvement and use of force, which were consistent with their reported force to me.

Witness Interviews(s)

Deputy Scott Berner reported his observations of force in this incident. Deputy Berner completed a written report of his observations which was consistent with his verbal notification to me.

No other witnesses to this incident were located. The residents of [redacted] Heleo Avenue had been transported to the command post to meet with the Canine units, and were not at home at the time of Suspect Dang's arrest.

Suspect Interview(s)

Suspect Interview(s) Conducted By: ☒ **Watch Commander** ☒ **Supervising Sergeant**

FIELD SGT INTERVIEW

I, Sergeant James Long, interviewed Suspect Jimmy Dang at the San Gabriel Valley Medical Center. Suspect Dang stated he ran away when he saw the Sheriff's patrol cars, because he thought he had a warrant. S/Dang also stated he had also been using drugs. Suspect Dang stated he tried to keep low and hide in some backyards. He added Deputies came to the yard he was in and, "nothing happened." Suspect Dang stated prior to seeing the deputies, he slipped and fell near a pool (nfd). Suspect Dang stated the deputies told him to, "get down, freeze and stay right there." Suspect Dang stated he was handcuffed and does not recall anything the deputies did. I asked him if he recalled being Tasered. Suspect Dang stated he felt the effects of the Taser and gave up.

Supervisor's Report on Use of Force
912-03805-0524-064

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WATCH COMMANDER INTERVIEW

The Watch Commander, Sergeant Tri Hoang, conducted his interview with Suspect Jimmy Dang at the conclusion of my interview. Sergeant Hoang asked Suspect Dang if he had taken medication, or had a mental illness. Suspect Dang denied taking medication, and denied having a mental illness. He stated that he had been using drugs, specifically, methamphetamine. Suspect Dang stated he had smoked an "Eight Ball of Meth." over the last three days. Suspect Dang indicated that he had pain in his knee/ankle area from being tied up. Sergeant Hoang advised him that he was restrained in order to prevent him from kicking anyone. Suspect Dang agreed with that assessment. Sergeant Hoang asked him if any deputy hit him to which he replied, "no." Sergeant Hoang asked Suspect Dang if he was Tasered. Suspect Dang said, "Yes." Sergeant Hoang asked Suspect Dang why the deputies shot him with the Taser. Suspect Dang stated, "He stood up and resisted." Suspect Dang stated he fell somewhere in a yard with a big dog, nfd, during his attempt to hide. Suspect Dang stated he tossed his clothing around the area in an attempt to avoid capture.

Medical Review

Suspect Dang was transported to San Gabriel Valley Medical Center, where he was treated for his injuries and subsequently transferred to the USC-Medical Center Jail ward. Doctor Au stated that the apparent injuries were consistent with the reported force.

Upon review of the medical records obtained from San Gabriel Valley Medical Center for Suspect Dang (patient #[redacted] show a diagnosis of a [redacted].

Due to the diagnosis, I sent an email to IAB, Lieutenant Steven Vaughan to advise him of the [redacted] to Suspect Dang's [redacted].

Training &Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

A debriefing occurred at the conclusion of the incident. The quick response and co-ordination of responding units led to the containment and capture of a residential burglary suspect, who was on parole for a felony assault.

Appropriate Department resources were requested and responded. Even though the Canine units were not deployed, the Deputies did not waver in their resolve and arrests teams were deployed to either side of the containment. The initial contact with the suspect had a barrier (gate) between them, delayed their approach and allowed the suspect, who initially raised his hands to surrender, the time to look for escape avenues and flee from them. The Taser deployment over the fence succeeded in stopping the fleeing felon and ended the threat to the surrounding community.

The force used in this incident, Taser, Personal Weapons-Fists, Control Techniques and the hobble were all consistent with force training and the options chart. Suspect Dang was in the, "Assaultive High Risk" category, and based upon his actions, it was objectively reasonable and with Departmental guidelines to use the force reported.

Watch Commander's Review

Suspect Dang was positively identified as the person, who attempted to enter an occupied residence at [redacted] Lower Azusa Road in the City of Temple City. Suspect Dang is currently on parole for a felony assault, and even thought he was heavily under the influence of methamphetamine, he was able to form the intent to commit the residential burglary. Suspect Dang's modus operandi (knocking on front door, when there is no answer, go to rear of location to reduce the chance of discovery and force entry) was common to person(s), who commit residential burglaries.

Suspect Dang was under the influence of a controlled substance, methamphetamine, at the time this incident and subsequent interviews occurred. Suspect Dang repeatedly stated he had fallen near a pool or in a yard with a big dog prior to making contact with the deputies and indicated his mouth was injured and bleeding from that fall. However, Deputies [redacted] and Vance indicated Suspect Dang did not appear to be injured or bleeding at the time they contacted him in the driveway at [redacted] Heleo Avenue.

Based upon the above, I formed the opinion that the injuries sustained in this incident occurred as a direct result from the actions of our personnel, specifically the two punches to the left cheek of Suspect Dang by Deputy Vance.

The force used in this incident was objectively reasonable and within the guidelines of the force policy. I recommend no further action be taken in this incident.

Case Status

Suspect Dang was charged with residential burglary and the District Attorney filed felony charges against him (Ref GA08608701). His next scheduled appearance date is May 29, 2012 at Alhambra Superior Court.

Supervisor's Report on Use of Force
912-03805-0524-064

Attachments

Attached to this report are the following:

Photocopy of SH-R-49
Photocopy of supplemental reports (7)
Photocopy of PM In-Service dated 04-07-12
Unit Roster for 04-07-12 PM Shift
Incident Record for Tag TEM12098-0225
TASER Download for [redacted]
DDWS for Units 51/P, 52T1/P, 53H/D, 54/P
Printout of Suspect Dang's [redacted] Status ([redacted]
San Gabriel Valley Medical Center Medical Records for Suspect Dang
Compact Disc containing video interview and photographs of Suspect Dang

912-03805-0524-064

[redacted]

[redacted]

912-03805-0524-064

[redacted]

[redacted]

EXHIBIT B

912-03805-0524-064

[redacted]

EXHIBIT C

T-225

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
INCIDENT REPORT

A TRADITION OF SERVICE

DATE 04-07-12 PAGE 1 OF 6

ACTION: [X] ACTIVE [ ] INACTIVE [ ] PENDING | NON-CRIMINAL [ ] | # OF ADULT ARRESTS: 1 | # OF SUBJECT DETENTIONS

URN # 9 (RETENTION) 12 (YEAR) 03805 (SEQUENTIAL) 0524 (REPORTING DISTRICT) 064 (STAT CODE)

CLASSIFICATION 1 / LEVEL / STATCODE
BURGLARY (RESIDENTIAL) - 459 P.C / F / 074

CLASSIFICATION 2 / LEVEL / STAT CODE
[redacted] VIOLATION - 3056 P.C / F / 397

CLASSIFICATION 3 / LEVEL / STAT CODE

SEX OFFENSE VICTIM INFO? [ ] YES [ ] NO

DOMESTIC VIOLENCE
[ ] NON-PERSONAL (GUN, KNIFE, ETC)
[ ] PERSONAL (HANDS, FEET, FIST, ETC)
INJURY [ ] Major [ ] Minor [ ] None
[ ] NON-CRIMINAL

DATE, TIME, DAY OF OCCURRENCE
04-07-12, 1650HRS, SATURDAY

PRINTS REQUESTED [ ] BY TIME
COMPLETED [ ]

[redacted]

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE	#	of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
V	1	1	[redacted]	[redacted]		[redacted]			[redacted]	[redacted]

RES. ADDR. [redacted] CITY ZIP — VICTIM OF OFFENSE(S) (CLASSIFICATION) # 1 — RES. PHONE (Area Code) [redacted] Day Phone
BUS. ADDR. [redacted] CITY ZIP — ENGLISH SPEAKING [ ] YES [X] NO — BUS. PHONE (Area Code) [redacted] Day Phone

CODE	#	of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age
W	1	1	[redacted]	[redacted]		[redacted]			[redacted]	[redacted]

RES. ADDR. [redacted] — VICTIM OF OFFENSE(S) (CLASSIFICATION) # — RES. PHONE (Area Code) [redacted] Day Phone X
BUS. ADDR. [redacted] — ENGLISH SPEAKING [X] YES [ ] NO — BUS. PHONE (Area Code) Day Phone

CODE	#	of	LNAME	FNAME	MNAME	SEX	RACE	ETHNIC ORIGIN	DOB	Age

RES. ADDR. CITY ZIP — VICTIM OF OFFENSE(S) (CLASSIFICATION) # — RES. PHONE (Area Code) Day Phone
BUS. ADDR. CITY ZIP — ENGLISH SPEAKING [ ] YES [ ] NO — BUS. PHONE (Area Code) Day Phone

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE	#	of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)
S	1	1	DANG	JIMMY		[redacted]

[redacted] ZIP — RES. PHONE (Area Code)
BUS. ADDR. CITY ZIP — BUS. PHONE (Area Code)

SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age
M	A		BLK	BRN	5'04	125	07-01-83	28

CHARGE: 459 P.C, 3056 P.C.
WHERE DETAINED OR CITE #: TEMPLE
AKA — MONIKER — BOOKING #: 3113676

CODE	#	of	LNAME	FNAME	MNAME	DRIVER'S LICENSE (STATE & No.)

RES. ADDR. CITY ZIP — RES. PHONE (Area Code)
BUS. ADDR. CITY ZIP — BUS. PHONE (Area Code)

SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HGT.	WGT.	DOB	Age

CHARGE — WHERE DETAINED OR CITE #
AKA — MONIKER — BOOKING #

VEHICLE # SUSPECT / # VICTIM — STATUS [ ] STORED [ ] IMPOUNDED [ ] OUTSTANDING — LICENSE (STATE & No.) N/A — YEAR — MAKE — MODEL — BODY TYPE — COLOR
REGISTERED OWNER — IDENTIFYING FEATURES — CHP 180 SUBMITTED: [ ] YES [ ] NO — GARAGE NAME & PH.

BY DEP: MIRA, V. — EMPLOYEE # [redacted] — VACATION DATES: -0- — DEP: ESQUEDA, D — EMPLOYEE # [redacted] — VACATION DATES: -0-
STATION: TEM — UNIT / CAR #: 514A — SHIFT: PM — APPROVED: SGT James Lor — EMPLOYEE # [redacted] — DATE: 4-8-12 — TIME: 0001
VICTIM DESIROUS OF PROSECUTION [X] YES [ ] NO — ASSIGNMENT: D.B.
HQ NOTIFICATION REQ [ ] YES [X] NO — DEP — DATE / TIME — SPECIAL REQUEST DISTRIBUTION
SUSP / SUBJ RELEASE APPROVED BY — TIME — PCD SUBMITTED [X] YES [ ] NO — TT B/C BY — DATE — TIME — SECTY

76C300F - SH-R-49 (Rev. 10/99)

Report Continuation

URN 912-03805-0524-064

CODE	ITEM #	DESCRIPTION (Include kind of article, trade name, identifying numbers, etc.) Article	Brand	Model	Description	SERIAL #	Book/Page VALUE
EV	001	TASER CARTRIDGE	Unknown	Unknown	ONE ENV CONT ONE BLUE GLOVE CONT ONE TASER CARTRIDGE.	HG8-1038871	[redacted]
EV	002	CLOTHES	Unknown	Unknown	ONE PAPER BAG CONT ONE WHT T-SHIRT, ONE WHT TANK TOP, ONE PAIR OF BLK PANTS AND ONE PAIR OF BLK SHOES BELONGING TO S/DANG.	Unknown	[redacted]
EV	003	ID CARD	Unknown	Unknown	ONE ENV CONT ONE CALIFORNIA IDENTIFICATION CARD IN THE NAME OF S/DANG.	Unknown	[redacted]

REPORT CONTINUATION — NARRATIVE | URN 912 - 03805 - 0524 - 064

I RESPONDED TO THE INDICATED LOCATION REGARDING A ATTEMPT BURGLARY JUST OCCURRED CALL WE CONTACTED VICTIM [redacted] WHO ONLY SPOKE CANTONESE. S/F / DEPUTY TUNG (EMP[redacted]) TRANSLATED FOR US SHE TOLD US THE FOLLOWING:

ON THE INDICATED DATE AND TIME, V/[redacted] HEARD BANGING ON THE FRONT DOOR, SHE WENT TO THE DOOR AND LOOKED OUT THE SIDE WINDOW TO SEE WHO IT WAS. SHE SAW THE SUSPECT AT THE DOOR BUT DID NOT KNOW WHO HE WAS, THEREFORE SHE DID NOT ANSWER THE DOOR. AT THIS POINT, SHE SAW THE SUSPECT LEAVE THE FRONT DOOR AND WALK TO THE SIDE GATE (WEST OF THE PROPERTY). HE WALKED THROUGH THE GATE AND WENT TO THE REAR OF THE HOUSE, AS V/[redacted] WENT TO THE BACK PORTION OF THE HOUSE TO SEE WHERE THE SUSPECT HAD GONE TO, SHE SAW HIM AT THE BATHROOM WINDOW, AS THE SUSPECT REMOVED THE WINDOW SCREEN TO THE BATHROOM WINDOW WHICH WAS PARTIALLY OPEN (THUS BREAKING THE PLANE AND HAVING ACCESS TO THE INTERIOR OF THE HOUSE). V/[redacted] YELLED AT THE SUSPECT SAYING, "NO, NO, NO!" AS THE SUSPECT LOOKED INTO THE WINDOW AND SAW V/[redacted], HE IMMEDIATELY RAN OFF WEST BOUND FROM THE WINDOW AND OUT OF VIEW. V/[redacted] IMMEDIATLY CALLED TEMPLE STATION AND REPORTED THE INCIDENT.

REPORT CONTINUATION NARRATIVE | URN 912-03805-0524-064

THE SUSPECT WAS TREATED FOR HIS AT THE LOCATION BY L.A. COUNTY FIRE ENGINE 42 (HEADED BY CAPTAIN MORENO). THE SUSPECT WAS THEN TRANSPORTED TO SAN GABRIEL HOSPITAL BY AMR #542 FOR FURTHER TREATMENT. THE SUSPECT WAS ESCORTED BY 51/DEPUTIES BERNER AND PARK (EMP.# [redacted] DUE TO THE SUSPECT'S CURRENT CONDITION, WE WERE UNABLE TO GET A STATEMENT.

DURING INTIAL TREATMENT OF THE SUSPECT AT THE LOCATION, 57F/DEPUTIES VAN GENDEREN (EMP. # [redacted]) AND TUNG CONDUCTED A FIELD SHOW UP WITH V/ [redacted], WHICH SHE POSITIVELY IDENTIFIED THE SUSPECT. SEE THEIR SUPPLEMENTAL REPORT FOR FURTHER.

DEPUTY GUTIERREZ (EMP.# [redacted] CONDUCTED A ARTICLE SEARCH FOR THE SUSPECT'S CLOTHES. THE CLOTHING ITEMS (EV/2) WAS LOCATED, WHICH INCLUDED A WHITE T-SHIRT, WHITE TANK TOP, BLACK PANTS, AND BLACK TENNIS SHOES. INSIDE OF THE PANTS POCKET, THE SUSPECT'S CALIFORNIA ID (EV/3) WAS LOCATED. SEE DEPUTY GUTIERREZ'S SUPPLEMENTAL REPORT FOR FURTHER DETAILS.

THE SUSPECT'S CLOTHING AND ID, ALONG WITH THE TASER CARTRIDGE, WERE BOOKED INTO EVIDENCE AT TEMPLE STATION.

[redacted] WAS CONTACTED AND A [redacted] WAS PLACED ON SUSPECT

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL FORM -- SUSPECT / SUBJECT INFORMATION

URN 912-03805-0524-064

BY DEP MEZA, V. / ESQUEDA, D. EMPLOYEE # [redacted] / [redacted]

SUSPECT / SUBJECT # 1 NAME DANG, JIMMY

SUSPECT / SUBJECT # ____ NAME ____

CLOTHING DESCRIPTION

ITEM TYPE	DESCRIPTION
T-SHIRT	WHITE
TANK TOP	WHITE
PANTS	BLACK
SHOES	BLACK

ITEM TYPES: CAP / HAT, COAT / JACKET, DRESS / SKIRT, GLASSES, GLOVES, JEWELRY, PANTS, SHIRT / BLOUSE, SHOES, SHORTS, OTHER

CLOTHING DESCRIPTION

ITEM TYPE	DESCRIPTION

L	R	UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

☐ SUSPECTED GANG MEMBER NAME OF GANG

L	R	UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

☐ SUSPECTED GANG MEMBER NAME OF GANG

HAIR LENGTH
☐ ☐ COLLAR
☐ ☐ LONG
☐ ☐ SHORT
☐ ☐ SHOULDER
☐ ☐ ____

HAIR TYPE
☒ ☐ BALD
☐ ☐ RECEDING
☐ ☐ THICK
☐ ☐ THINNING
☐ ☐ WIG
☐ ☐ ____

HAIR STYLE
☐ ☐ AFRO / NATURAL
☐ ☐ BRAIDED / DREDLOCKS
☐ ☐ BUSHY
☐ ☐ BUTCH
☐ ☐ COMBED BACK
☐ ☐ CURLERS
☐ ☐ CURLY
☐ ☐ FLAT TOP
☐ ☐ GREASY
☐ ☐ JHERI CURL
☐ ☐ MILITARY
☐ ☐ NETS
☐ ☐ PONY TAIL
☐ ☐ PROCESSED
☐ ☐ PUNK
☒ ☐ SHAVED
☐ ☐ STRAIGHT
☐ ☐ WAVY
☐ ☐ ____

COMPLEXION
☐ ☐ ACNE / POCKED
☐ ☐ ALBINO
☐ ☐ DARK
☐ ☐ FRECKLED
☒ ☐ LIGHT / FAIR
☐ ☐ MEDIUM
☐ ☐ PALE
☐ ☐ RUDDY
☐ ☐ SALLOW
☐ ☐ TANNED
☐ ☐ WEATHERED
☐ ☐ WRINKLED
☐ ☐ ____

FACIAL HAIR
☐ ☐ BEARD
☐ ☐ CLEAN SHAVEN
☐ ☐ FUZZ
☐ ☐ GOATEE
☐ ☐ LOWER LIP
☒ ☐ MOUSTACHE
☐ ☐ SIDE BURNS
☐ ☐ UNSHAVEN
☐ ☐ ____

TEETH
☐ ☐ BROKEN / CHIPPED
☐ ☐ BRACES
☐ ☐ BUCK
☐ ☐ CROOKED
☐ ☐ DECAYED
☐ ☐ FALSE
☐ ☐ GAP / SPACE
☐ ☐ GOLD CAP
☐ ☐ JEWELED
☐ ☐ MISSING
☐ ☐ NONE
☐ ☐ SILVER CAP
☐ ☐ STAINED
☐ ☐ ____

SPEECH
☐ ☐ ACCENT
☐ ☐ DISGUISE
☐ ☐ LISPS
☐ ☐ MUMBLES
☐ ☐ RAPID
☐ ☐ RASPY
☐ ☐ SLOW
☒ ☐ SLURRED
☐ ☐ STUTTER
☐ ☐ ____

HANDED
☐ ☐ LEFT
☐ ☐ RIGHT
☐ ☐ BOTH

WEAPON
FIREARM
Style:
☐ ☐ MULTIPLE
☐ ☐ BB / PELLET
☐ ☐ HANDGUN
☐ ☐ RIFLE
☐ ☐ SAWED-OFF
☐ ☐ SHOTGUN
☐ ☐ SIMULATED
☐ ☐ ZIP GUN
☐ ☐ ____

Action:
☐ ☐ DERRINGER
☐ ☐ FULLY AUTO
☐ ☐ PUMP
☐ ☐ REVOLVER
☐ ☐ SEMI AUTO
☐ ☐ SINGLE SHOT
☐ ☐ ____

Barrel Type:
☐ ☐ SINGLE BARREL
☐ ☐ DOUBLE BARREL
☐ ☐ THREE BARREL
☐ ☐ 4 OR MORE BARREL
☐ ☐ ____

Color / Finish:
☐ ☐ BLUE STEEL
☐ ☐ CHROME / NICKEL
☐ ☐ DULL BLACK
☐ ☐ RUSTED
☐ ☐ STAINLESS STEEL
☐ ☐ ____

Grip / Stock:
☐ ☐ ALTERED
☐ ☐ BONE / PEARL / IVORY
☐ ☐ COLLAPSES / FOLDS
☐ ☐ METAL / PLASTIC
☐ ☐ NO GRIP
☐ ☐ RUBBER / VINYL
☐ ☐ TAPED
☐ ☐ THUMB HOLE
☐ ☐ WOOD
☐ ☐ ____
☐ ☐ GAUGE ____ / ____
☐ ☐ CALIBER ____ / ____

KNIFE
Style:
☐ ☐ MULTIPLE
☐ ☐ BUCK
☐ ☐ BUTCHER / KITCHEN
☐ ☐ DIRK / DAGGER / STILETTO
☐ ☐ HUNTING / BOWIE
☐ ☐ SIMULATED
☐ ☐ SWITCHBLADE
☐ ☐ TOY
☐ ☐ ____

Blade:
☐ ☐ FIXED
☐ ☐ FOLDING

CHEMICAL
☐ ☐ CAUSTIC
☐ ☐ INFECTIOUS
☐ ☐ MACE
☐ ☐ PEPPER SPRAY
☐ ☐ SIMULATED
☐ ☐ TEAR GAS
☐ ☐ TOXIC
☐ ☐ ____

BLUNT INSTRUMENT
☐ ☐ BASEBALL BAT
☐ ☐ BILLY CLUB
☐ ☐ BRASS KNUCKLES
☐ ☐ BRICK / ROCK / BOTTLE
☐ ☐ CLUB / BLUDGEON
☐ ☐ HAMMER / TOOL
☐ ☐ NUNCHAKUS
☐ ☐ TIRE IRON
☐ ☐ ____

CUT / STAB
☐ ☐ BAYONET / SWORD
☐ ☐ BOTTLE / GLASS
☐ ☐ ICE PICK
☐ ☐ MACHETE
☐ ☐ RAZOR
☐ ☐ SCREWDRIVER
☐ ☐ THROWING STARS
☐ ☐ ____

EXPLOSIVE / INCENDIARY
☐ ☐ FIREWORKS
☐ ☐ MOLOTOV COCKTAIL
☐ ☐ ____

OTHER WEAPON
☐ ☐ BODILY FORCE
☐ ☐ LIGATURE
☐ ☐ SLING SHOT
☐ ☐ SYRINGE
☐ ☐ TASER / STUN GUN
☐ ☐ ____

RELATIONSHIP OF VICTIM TO SUSPECT:
V#____ V#____ ACQUAINTANCE
V#____ V#____ BABYSITTEE (PERSONS WATCHED / BABY)
V#____ V#____ BOYFRIEND / GIRLFRIEND
V#____ V#____ CHILD
V#____ V#____ CHILD OF BOYFRIEND OR GIRLFRIEND
V#____ V#____ COMMON - LAW SPOUSE
V#____ V#____ EMPLOYEE
V#____ V#____ EMPLOYER
V#____ V#____ EX - SPOUSE
V#____ V#____ FRIEND
V#____ V#____ GRANDCHILD
V#____ V#____ GRANDPARENT
V#____ V#____ HOMOSEXUAL RELATIONSHIP
V#____ V#____ IN - LAW
V#____ V#____ NEIGHBOR
V#____ V#____ OTHER FAMILY MEMBER
V#____ V#____ OTHERWISE KNOWN
V#____ V#____ PARENT
V#____ V#____ RELATIONSHIP UNKNOWN
V#____ V#____ SIBLING (BROTHER OR SISTER)
V#____ V#____ SPOUSE
V#____ V#____ STEPCHILD
V#____ V#____ STEPPARENT
V#____ V#____ STEPSIBLING (STEPBROTHER OR STEPSISTER)
V#____ V#____ VICTIM WAS OFFENDER
V# 1 V#____ VICTIM WAS STRANGER

SH-R-77 (RED TIP) Rev. 2/2/2000

County of L Angeles - Sheriff's Department - Supple ntal Report

Date: 04/07/12

File #: 912-03805-0524-064

C: BURGLARY (RESIDENTIAL), 459 PC/F/064

Action: **Active**

V:

S: JIMMY DANG BKG.# 3113676

Narrative

THE PURPOSE OF THIS REPORT IS TO PROVIDE ACTIVE/ADDITIONAL INFORMATION REGARDING THE ABOVE FILE NUMBER.

WE RESPONDED TO [redacted] HELEO AVENUE, TEMPLE CITY REGARDING A BURGLARY TO A RESIDENCE, TAG #225. UPON ARRIVAL, ASSISTING DEPUTIES ADVISED THAT THEY SAW THE MALE ASIAN SUSPECT (LATER IDENTIFIED AS JIMMY DANG BKG# 3113676) JUMPING OVER A FENCE.

ASSISTING DEPUTIES STATED THAT THEY SAW S/DANG TRYING TO JUMP A WALL OF THE NORTHWEST CORNER OF THE INDICATED LOCATION.

WE FORMED AN ARREST TEAM AND APPROACHED THE WALL THAT S/DANG WAS ATTEMPTING TO JUMP OVER. I, DEPUTY BERNER, ORDERED S/DANG TO PUT HIS HANDS UP SO I COULD SEE THEM SEVERAL TIMES. S/DANG DID NOT COMPLY, AND S/DANG THEN ATTEMPTED TO RUN EAST THROUGH THE PROPERTY (AS IF HE WAS ATTEMPTING TO GET AWAY FROM US).

AT THIS POINT, I HEARD DEPUTY VANCE B[redacted] ORDER S/DANG TO LAY DOWN ON THE GROUND. S/DANG DID NOT COMPLY AND DEPUTY VANCE DEPLOYED A TASER, STRIKING S/DANG IN THE BACK.

S/DANG IMMEDIATELY FELL ONTO HIS BACK, BUT HE QUICKLY ROLLED TO HIS CHEST, AND HE PLACED HIS ARMS IN BETWEEN

Approved: SGT JAMES LONG #[redacted]

By: BERNER #[redacted]
PARK #[redacted]

Assigned: D.B

Secretary:

Date: Time:

SH-R-77 (RED TTP) REV. for WP6.0 11/94

COUNTY OF LOS ANGELES-SHERIFF'S DEPARTMENT SUPPLEMENTAL REPORT

DATE: 04/07/12 **FILE:** 912-03805-0524-074

C: Burglary (Residential) - 459 P.C. **ACTION:** Active Additional

V:

D:

S: Dang, Jimmy

NARRATIVE

This supplemental report is to provide active additional information regarding the indicated incident under the above file number.

I responded to an attempt 459 (Burglary) Just Occurred call to [redacted] Lower Azusa Rd. Temple City.

Upon arrival to the area, I responded to the corner of Helio Ave. and Lower Azusa Ave. for a containment of the suspect. While at the corner, a resident at [redacted] Helio Ave. flagged me down and said he saw the suspect in his back yard. I repositioned myself to the south end of the address of [redacted] Helio Ave.

I was joined by Dep. Berner #[redacted] and Dep. Vance #[redacted] Dep. [redacted] #[redacted] and Dep. [redacted] #[redacted] S/Dang was seen in the north side-yard of [redacted] Helio Ave, and Dep. [redacted], and Dep. Vance, Dep. [redacted] and myself ran to the north side-yard. Dep. Berner and Dep. Vance gave verbal commands to S/Dang to show his hands and not move. S/Dang turned away and began to run away east bound and Dep. Vance deployed his taser and tased S/Dang for a 5 second shock. S/Dang fell to the ground on his back. S/Dang flipped over to his stomach and began to push himself up and Dep. Vance tased S/Dang again. S/Dang began throwing punches from the ground towards his sides at Dep. Berner and Dep. Vance. Dep. Vance punched S/Dang in the face with his right hand. Dep. [redacted] restrained S/Dang's left arm and Dep. [redacted] restrained S/Dang's right arm. S/Dang was kicking at Dep. [redacted] and and Dep. [redacted] and I restrained S/Dang's feet. I used a hobble restraint to keep S/Dang from kicking.

I was relieved at the location by another unit.

I immediately advised Sgt. Long #[redacted] of the use of force and my involvement.

BY: [redacted] #[redacted]

APPROVED: Sgt James Long #[redacted]

ASSIGNED: D.B.

SECRETARY:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SUPPLEMENTAL REPORT

DATE: 4/7/2012 FILE: 912-03805-0524-064 ACTION: Active/Additional

C: Burglary (Residential), 459PC/F/074

V: [redacted] FA/[redacted]

S: Dang, Jimmy MA/07-01-83

NARRATIVE

The purpose of this supplemental report is to provide active/additional information regarding the above file number.

Deputy Vance (54/P, [redacted] and I responded to the command post located at Lower Azusa Rd./Temple City Blvd. in Temple City 91780 regarding a burglary just occurred call (tag#225).

I heard the helicopter unit (Air 21) say the suspect was moving through the back yard of [redacted] Heleo Ave. in Temple City 91780. We responded to the location, which was a single family home, and I took a position in the driveway, which allowed me to view the north end of the property. There was a solid wooden gate separating the front and back yards.

I saw a male Asian (S/Dang) walking northbound through the back yard and stop at the northwest corner of the back yard behind the gate. I ordered him to show me his hands. He initially put his hands on the top the of gate, however he quickly removed them and dropped behind the gate and out of my view.

As I approached the gate, I continually ordered S/Dang to show me his hands. S/Dang did not comply with my orders. When I was closer to the gate, I looked over and saw S/Dang turn his back and start to run eastbound through the back yard.

I saw Dep. Vance fire a TASER and S/Dang fell to the ground. While the TASER was activated, it was effective. I went through the gate and I heard the TASER stop. As soon as the TASER stopped, S/Dang put his hands underneath his upper torso and tried to push himself up. I heard the TASER cycle again and S/Dang stopped trying to stand up.

BY: [redacted] #[redacted]

APPROVED: Sgt. James Long [redacted]

ASSIGNED: D.B.

SECRETARY:

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT - SUPPLEMENTAL REPORT
NARRATIVE CONTINUATION

DATE: 4/7/2012 FILE: 912-03805-0524-064 ACTION: Active/Additional

While the TASER was activated for the second time, I grabbed S/Dang's right wrist in an attempt to control and handcuff him. When the TASER stopped, S/Dang started kicking his feet at Deputies and attempted to pull his arm away from my grasp. I ordered him to stop fighting and put his hands behind his back, however he refused to comply with my instructions.

I saw Dep. Vance punch S/Dang with his right fist twice on the left side of S/Dang's face. I was then able to control his right arm and I placed his right hand behind his back. I assisted Dep[redacted](52T1, [redacted] in handcuffing S/Dang. I saw Dep.[redacted] (53H/D, [redacted] apply a hobble to S/Dang's lower legs.

I told S/Dang to stop fighting and he complied with my instructions. Once S/Dang was handcuffed, hobbled and he stopped fighting, we were able to deescalate the incident.

I saw blood around S/Dang's head, which he was licking off the ground, however I did not see any injuries on his person.

Los Angeles County Fire Department engine #42 responded to the scene and medically treated S/Dang.

I advised Sergeant Long of the force I used and witnessed.

SH-R-77 (RED TTP) REV. for WP6.0 11/94

COUNTY OF LOS ANGELES-SHERIFF'S DEPARTMENT SUPPLEMENTAL REPORT

DATE: 04-07-12 FILE: 912-03805-0524-064

C: BURGLARY(RESIDENTIAL) 459 P.C. ACTION: ACTIVE/ADDITIONAL

V: [redacted] FA/[redacted]

D:

S: DANG, JIMMY MA/07-01-83

NARRATIVE

THE PURPOSE OF THIS SUPPLEMENT REPORT IS TO PROVIDE ADDITIONAL FACTS AND INFORMATION REGARDING THE INCIDENT UNDER THE ABOVE FILE NUMBER.

I RESPONDED TO [redacted] LOWER AZUSA ROAD REGARDING A BURGLARY JUST OCCURRED CALL (T-225). WHILE AT THE LOCATION, I LEARNED THE SUSPECT WAS LAST SEEN IN THE BACK YARD OF [redacted] HELIO AVENUE IN TEMPLE CITY. I RESPONDED TO [redacted] HELIO AVENUE IN AN ATTEMPT TO OBTAIN A VISUAL ON THE SUSPECT AND KEEP HIM IN OUR CONTAINMENT.

WHILE AT THE LOCATION, I POSITIONED MYSELF ON THE SOUTH SIDE OF THE RESIDENCE NEAR THE ACCESS GATE TO THE REAR YARD. I SAW UNIT 54 (DEPUTY VANCE B. #[redacted] AND DEPUTY [redacted] K. #[redacted] WERE POSITION ON THE NORTH SIDE OF THE RESIDENCE.

SUDDENLY I HEARD DEPUTY [redacted] SAY HE SAW THE SUSPECT. AS I RAN TO WHERE DEPUTY [redacted] WAS POSITIONED, I SAW S/DANG'S HEAD BEHIND THE NORTH GATE OF THE RESIDENCE. I SAW S/DANG CROUCH DOWN BEHIND THE GATE, THEN STAND UP. I HEARD DEPUTY VANCE GIVE VERBAL ORDERS TO S/DANG TO SHOW HIS HANDS AND NOT MOVE. S/DANG THEN TURNED AND ATTEMPTED TO RUN TOWARDS THE REAR OF THE YARD. I SAW DEPUTY VANCE DEPLOY HIS TASER AND TASE S/DANG.

WHILE DEPUTY VANCE WAS TASING S/DANG, I WAS ABLE TO OPEN THE GATE AND SAW S/DANG WAS ON HIS BACK. DEPUTY [redacted] AND I (DEPUTY [redacted]) APPROACHED S/DANG TO TAKE HIM INTO CUSTODY. WHILE APPROACHING S/DANG THE TASER DEACTIVATED AND S/DANG FLIPPED OVER ONTO HIS STOMACH AND PLACED HIS HANDS UNDER HIS TORSO. S/DANG THEN ATTEMPTED TO GET UP DESPITE VERBAL ORDERS FROM DEPUTY VANCE TO STOP AND SHOW HIS HANDS.

I GRABBED S/DANG'S LEFT ARM AND PLACED IT INTO A CONTROL HOLD IN AN ATTEMPT TO CONTROL HIM. I SAW DEPUTY [redacted] ALSO PLACED S/DANG'S RIGHT ARM INTO A CONTROL HOLD. AS DEPUTY [redacted] AND I ATTEMPTED TO HANDCUFF S/DANG, HE BEGAN ATTEMPTING TO KICK ME WITH HIS FEET AND ELBOW ME WITH HIS LEFT ARM. I HEARD DEPUTY VANCE YELL "STOP FIGHTING" AT S/DANG. S/DANG CONTINUED TO ATTEMPT TO KICK ME AND ROLL HIMSELF OVER.

I SAW DEPUTY VANCE PUNCH S/DANG WITH HIS RIGHT FIST, STRIKING HIM IN THE HEAD AREA. THE STRIKE WAS INEFFECTIVE AND S/DANG CONTINUED TO KICK AND ELBOW ME. I SAW DEPUTY VANCE STRIKE S/DANG A SECOND TIME WITH HIS RIGHT FIST WHICH WAS EFFECTIVE AND

BY: [redacted]

APPROVED: SGT. JAMES LONG [redacted]

ASSIGNED: D.B.

SECRETARY:

DATE: 04-07-12 FILE NO. 912-03805-0524-064

S/DANG STOPPED FIGHTING. THE BRIEF MOMENT ALLOWED DEPUTY [redacted] #[redacted] TO RESTRAIN S/DANG'S FEET WITH A HOBBLE, WHILE DEPUTY [redacted] AND I SAFELY HANDCUFFED HIM. I SAW S/DANG SPITTING BLOOD FROM HIS MOUTH, HOWEVER WAS UNABLE TO SEE ANY VISIBLE CUTS ON HIS FACE/HEAD.

S/DANG WAS TREATED IN THE FIELD BY FIRE #42 AND TRANSPORTED TO SAN GABRIEL HOSPITAL BY AMR #532.

I IMMEDIATELY REPORTED THE FORCE I HAD WITNESSED TO UNIT 50S (SGT. LONG J. #[redacted]

THIS CONCLUDES MY INVOLVEMENT IN THIS INCIDENT.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SUPPLEMENTAL REPORT

DATE: 4/7/2012 FILE: 912-03805-0524-064 ACTION: Active/ Additional Info/Use of Force

C: Burglary, 459 P.C.

V: [redacted] FA/[redacted]

S: Dang, Jimmy MA/070183

NARRATIVE

The purpose of this supplemental report is to provide information as to my actions during the above reported incident.

Deputy [redacted] and I responded as an assisting unit to a Burglary which had just occurred call at [redacted] Lower Azusa Rd., in Temple City. An Asian male (S/Dang) with a shaved head and tattoos on the back of his neck, was seen running from the location. The handling unit (Deputy Pinedo #[redacted] unit #52/P) set up a containment in the area and the suspect was last seen running into the backyard of a house on Helio St. The house was situated inside the containment. I drove to the command post located at Temple City Bl. and Lower Azusa Rd. to assist with the establishment of an arrest team for the suspect.

While at the command post, I heard on the radio that the that the suspect was seen moving through the backyard of a house located at [redacted] Helio St. Deputy [redacted] and I quickly drove to that location. Deputy [redacted] ran to the north side of the yard and stood in the driveway, while I remained in the center of the yard. I noticed a deputy on the south side, watching the backyard of the property.

My attention was suddenly drawn to the north side of the property after I heard Deputy [redacted] yell "I see him!" Deputy [redacted] started giving commands to the suspect to put his hands in the air. The suspect was standing behind a wooden fence that was approximately five feet tall, on the northwest side of the property. The suspect initially placed his hands on top of the wooden gate, but then he dropped down behind the gate, completely out of view.

Deputy [redacted] and I ran towards the gate and I began giving commands to the suspect to stand up and to raise his hands. I also heard Deputy [redacted] giving the same commands. S/Dang did not comply with our orders. As we neared the gate, I saw S/Dang suddenly stand and begin running east through the property. I

BY: Deputy Vance [redacted] (unit# 54/P)

APPROVED: SGT. JAMES LONG [redacted]

ASSIGNED: D. B

SECRETARY:

DATE: 4/7/2012 FILE: 912-03805-0524-064 ACTION: Active/ Additional Info/Us...

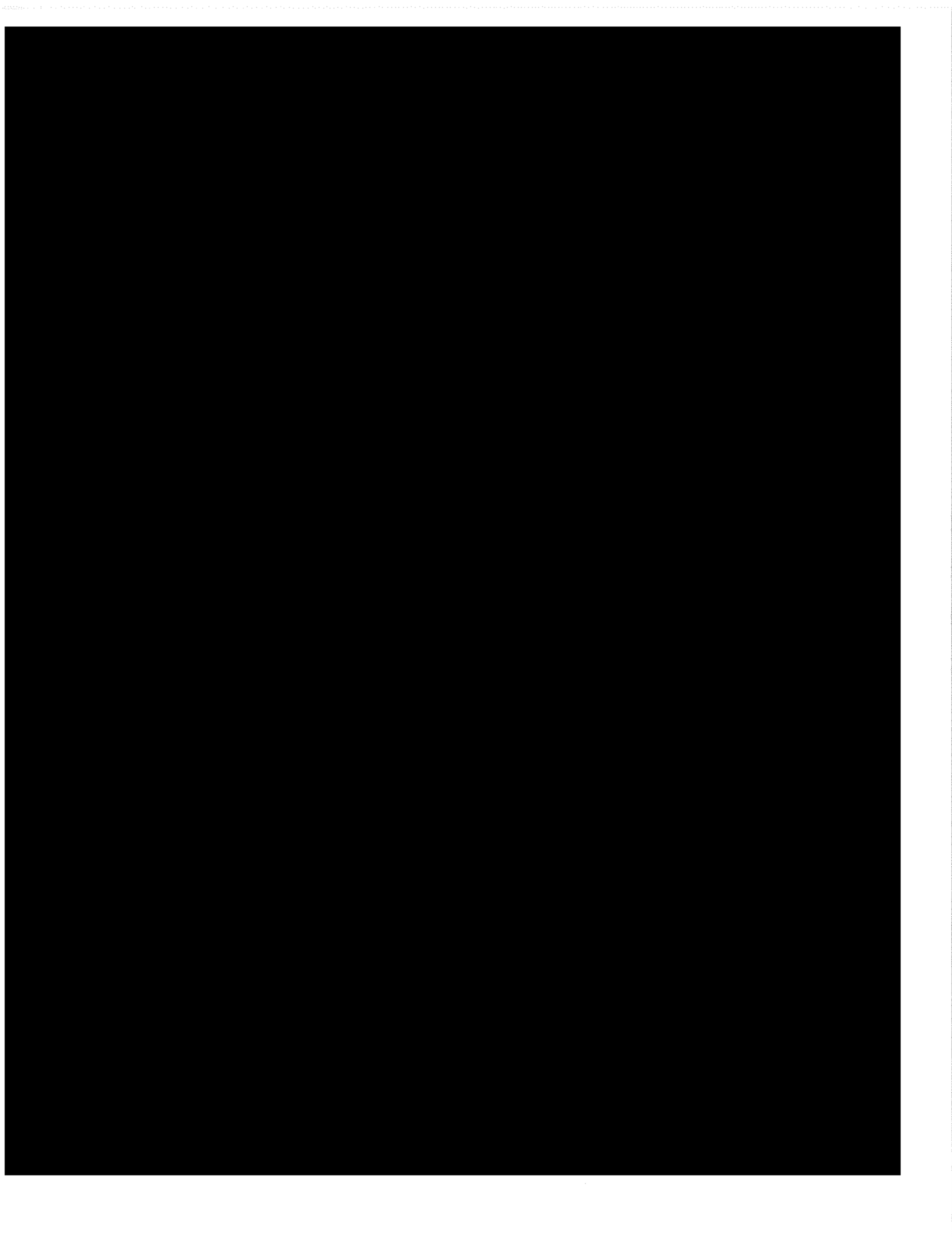
immediately believed that we were about to be involved in a foot pursuit with the suspect and I feared the possibility of injury of my partners or myself. I reached over the fence and deployed my X26 Taser (ser# X00-097908) at S/Dang as he tried to run away. I saw one of the prongs strike S/Dang in the center of his back. S/Dang was immediately affected by the taser and stopped his forward movement. S/Dang then fell backwards and landed on his back. I maintained a view of the suspect (looking over the fence) as Deputy [redacted] # [redacted] (unit #52T1/P), Deputy [redacted] (unit #53H/D) and Deputy [redacted] opened the gate and entered the yard. The Deputies ordered to turn over and to lay face down. S/Dang turned over onto his stomach but then put his arms underneath his torso and began pushing himself off the ground. I believed that S/Dang was attempting to stand up and activated another cycle of my taser. S/Dang fell back down to the ground and then the Deputies moved towards him. Deputy [redacted] attempted to grab S/Dang's left arm and Deputy [redacted] tried to grab his right arm. Deputy [redacted] moved towards the suspect's legs. As the Deputies moved on top of the suspect, I entered the yard. I moved the taser from my right hand to my left hand so I could open the gate and maintain a view on the suspect. As I entered the yard, I noticed that the suspect was trying to pull his right arm away from Deputy [redacted] and he was kicking his legs at Deputy [redacted] I decided not to activate the taser again due to the close proximity of the other deputies. I ran towards S/Dang and punched him twice with my right fist on the left side of his face. S/Dang immediately stopped resisting and he was handcuffed without further incident. Deputy [redacted] placed a HOBBLE restraint device around S/Dang's legs to prevent him from kicking.

Once S/Dang was handcuffed, I watched as he started spitting blood on the ground and then begin licking it up. I did not see any open wounds on S/Dang's face, so I was unsure where the blood was coming from.

I heard Deputy Berner # [redacted] (unit# 51/P) request for the response of the L.A. County Fire Department and Paramedics to our location, to treat S/Dang. S/Dang was then transported by AMR ambulance to San Gabriel Medical Center for further treatment.

At the arrival of Sergeant Long # [redacted] (unit# 50S/P), I immediately advised him of my Use of Force.

EXHIBIT D



[redacted]

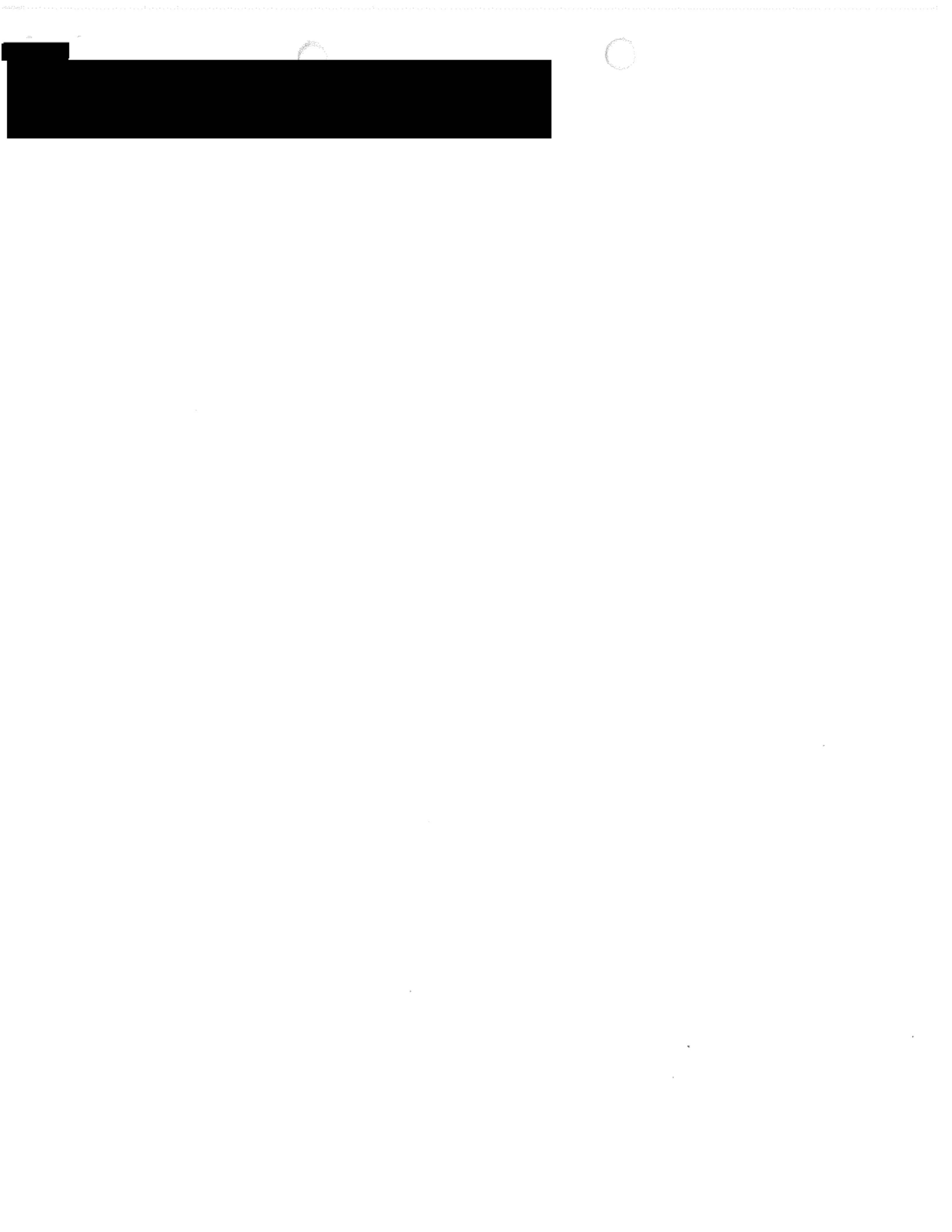
[redacted]

[redacted]

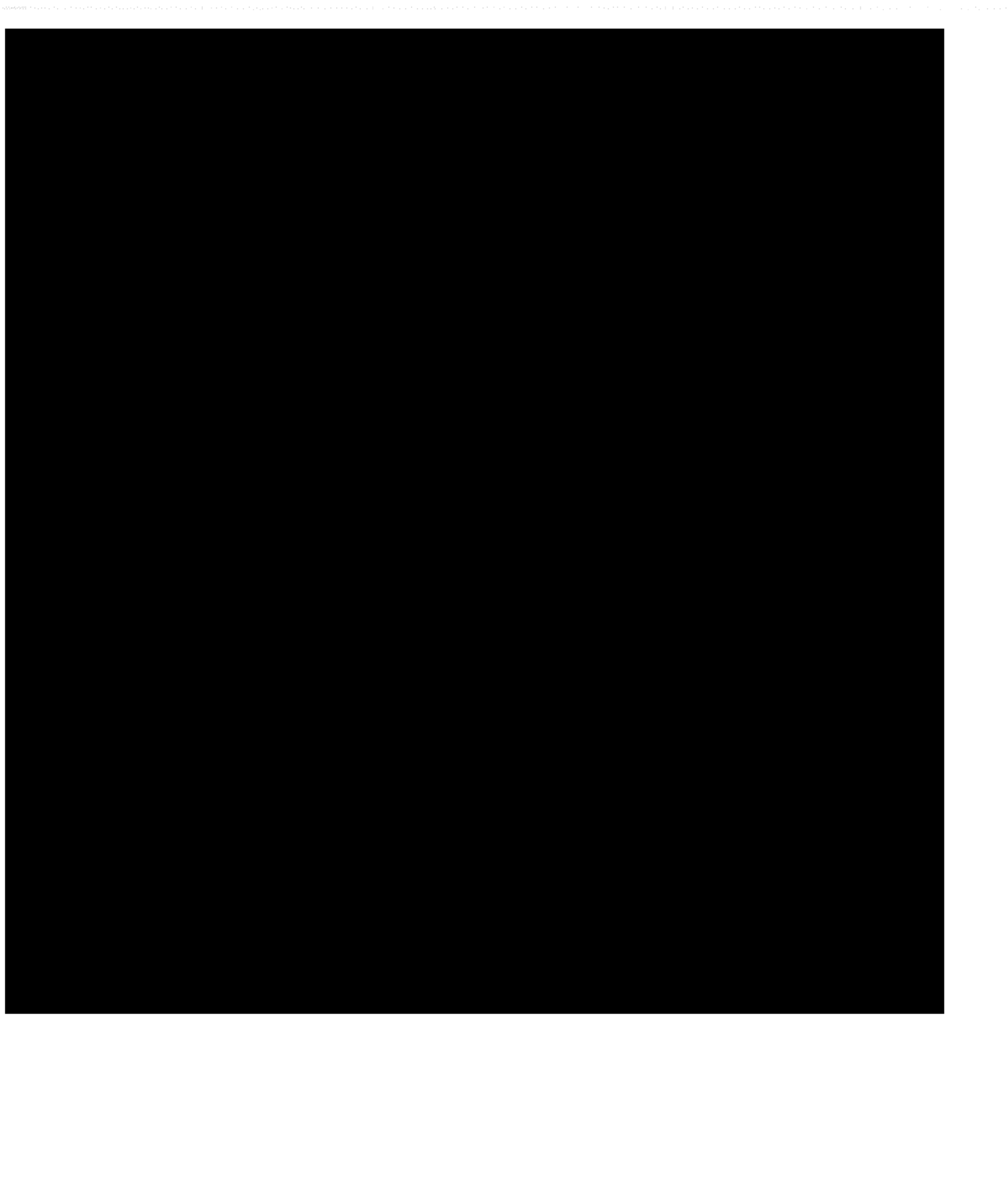




[redacted]



[redacted]

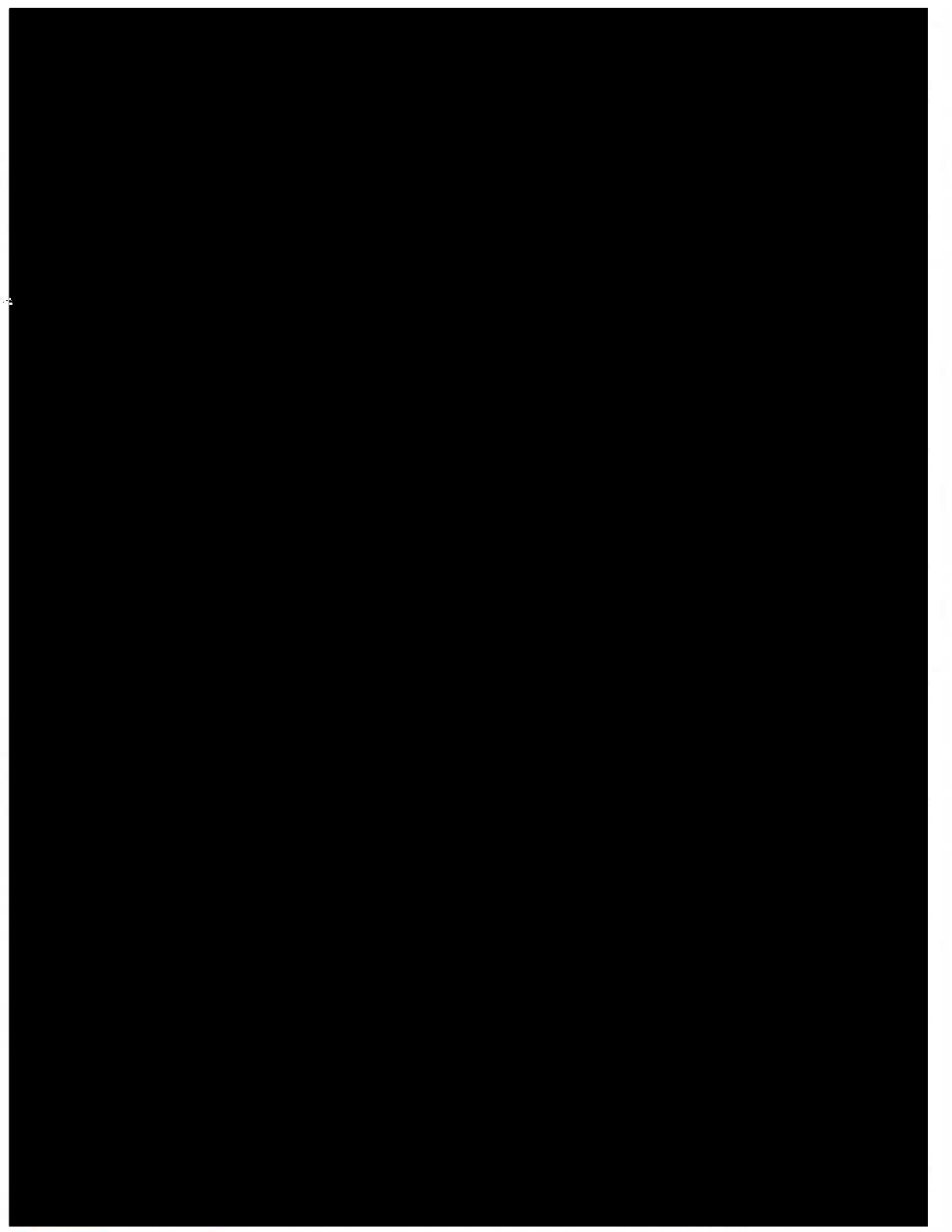


[redacted]

EXHIBIT F

EXHIBIT G

EXHIBIT H



[redacted]

[redacted]

MISCELLANEOUS DOCUMENTS

[redacted]

912-03805-0524-064

[redacted]

917-03805-0524-064

[redacted]

912-03805-0524-064



[redacted]

912-03805-0574-NM

[redacted]

912-03805-0524-064

[redacted]

ADMONITION FOR (SWORN & NON SWORN) WITNESSES WITH SUBJECT RIGHTS

I am Sergeant Richard Martinez and this is Sergeant Hector Velasquez of Internal Affairs Bureau which is commanded by Captain Alicia E. Ault.

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation. You are here as a Witness in a matter which concerns another employee. The complainant/requestor has not filed a complaint against you, and you are not under investigation as a Subject in this matter. However, your statements may be used against you, if ordered by Department management based on your actions.

Do you have a Policy and Ethics chapter of the Manual of Policy and Procedures? Yes ☒ No ☐ [redacted]

Are you familiar with its contents? Yes ☒ No ☐ [redacted]
(Check and Initial)

Due to the fact the Department cannot rule out culpability as a result of your actions, you are being afforded Subject rights, including the right to representation. After your interview, your Unit Commander may be contacted regarding your statements. Your Unit Commander will make a determination regarding whether your status in this investigation will remain as a Witness or be changed to a Subject.

You are specifically reminded that Policy and Ethics Sections 3-01/040.70 and 3-01/040.75, require you make full, complete, and truthful statements. Any refusal to do so may result in your discharge or other punitive action.

You are being ordered not to discuss the facts of this case or any of the issues discussed during your interview.

The above admonition has been explained to me and I understand its contents.

Date: 01-28-13 **IAB File #** FO2310693

Witness: ______________ [redacted] [redacted]
(Signature) (Print) (Employee #)

Investigator: ______________ Richard Martinez [redacted]
(Signature) (Print) (Employee #)

ADMONITION FOR (S\ ,RN & NON SWORN) WITNESSES V. H SUBJECT RIGHTS

I am Sergeant Richard Martinez and this is Sergeant Hector Velasquez of Internal Affairs Bureau which is commanded by Captain Alicia E. Ault.

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation. You are here as a Witness in a matter which concerns another employee. The complainant/requestor has not filed a complaint against you, and you are not under investigation as a Subject in this matter. However, your statements may be used against you, if ordered by Department management based on your actions.

Do you have a Policy and Ethics chapter of the Manual of Policy and Procedures? Yes ☒ No ☐

Are you familiar with its contents? Yes ☒ No ☐
(Check and Initial)

Due to the fact the Department cannot rule out culpability as a result of your actions, you are being afforded Subject rights, including the right to representation. After your interview, your Unit Commander may be contacted regarding your statements. Your Unit Commander will make a determination regarding whether your status in this investigation will remain as a Witness or be changed to a Subject.

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The above admonition has been explained to me and I understand its contents.

Date: 01-31-13 **IAB File #** FO2310693

Witness: ______________ Scott Berner [redacted]
(Signature) **(Print)** **(Employee #)**

Investigator: R Martinez Richard Martinez [redacted]
(Signature) **(Print)** **(Employee #)**

ADMONITION FOR (SWORN & NON SWORN) WITNESSES WITH SUBJECT RIGHTS

I am Sergeant Richard Martinez and this is Sergeant Hector Velasquez of Internal Affairs Bureau which is commanded by Captain Alicia E. Ault .

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation. You are here as a Witness in a matter which concerns another employee. The complainant/requestor has not filed a complaint against you, and you are not under investigation as a Subject in this matter. However, your statements may be used against you, if ordered by Department management based on your actions.

Do you have a Policy and Ethics chapter of the Manual of Policy and Procedures? Yes ☑ No ☐ BV

Are you familiar with its contents? Yes ☑ No ☐ BV
(Check and Initial)

Due to the fact the Department cannot rule out culpability as a result of your actions, you are being afforded Subject rights, including the right to representation. After your interview, your Unit Commander may be contacted regarding your statements. Your Unit Commander will make a determination regarding whether your status in this investigation will remain as a Witness or be changed to a Subject.

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The above admonition has been explained to me and I understand its contents.

Date: 01-28-13 **IAB File #** FO2310693

Witness: ____________ Brian Vance [redacted]
(Signature) (Print) (Employee #)

Investigator: R. Martinez Richard Martinez [redacted]
(Signature) (Print) (Employee #)

ADMONITION FOR (SWORN & NON SWORN) WITNESSES WITH SUBJECT RIGHTS

I am Sergeant Richard Martinez and this is Sergeant Hector Velasquez of Internal Affairs Bureau which is commanded by Captain Alicia E. Ault .

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation. You are here as a Witness in a matter which concerns another employee. The complainant/requestor has not filed a complaint against you, and you are not under investigation as a Subject in this matter. However, your statements may be used against you, if ordered by Department management based on your actions.

Do you have a Policy and Ethics chapter of the Manual of Policy and Procedures? Yes ☑ No ☐ [redacted]

Are you familiar with its contents? Yes ☑ No ☐ [redacted]
(Check and Initial)

Due to the fact the Department cannot rule out culpability as a result of your actions, you are being afforded Subject rights, including the right to representation. After your interview, your Unit Commander may be contacted regarding your statements. Your Unit Commander will make a determination regarding whether your status in this investigation will remain as a Witness or be changed to a Subject.

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The above admonition has been explained to me and I understand its contents.

Date: 01-28-13 **IAB File #** FO2310693

Witness: ________________ [redacted] [redacted]
(Signature) **(Print)** **(Employee #)**

Investigator: (signature) Richard Martinez [redacted]
(Signature) **(Print)** **(Employee #)**

ADMONITION FOR (SWORN & NON SWORN) WITNESSES WITH SUBJECT RIGHTS

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Do you have a Policy and Ethics chapter of the Manual of Policy and Procedures? Yes ☒ [redacted] No ☐

Are you familiar with its contents? Yes ☒ [redacted] No ☐
(Check and Initial)

Due to the fact the Department cannot rule out culpability as a result of your actions, you are being afforded Subject rights, including the right to representation. After your interview, your Unit Commander may be contacted regarding your statements. Your Unit Commander will make a determination regarding whether your status in this investigation will remain as a Witness or be changed to a Subject.

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You are being ordered not to discuss the facts of this case or any of the issues discussed during your interview.

The above admonition has been explained to me and I understand its contents.

Date: 01-28-13 **IAB File #** FO2310693

Witness: ______________ [redacted] [redacted]
(Signature) **(Print)** **(Employee #)**

Investigator: R. Martinez Richard Martinez [redacted]
(Signature) **(Print)** **(Employee #)**



INTERNAL AFFAIRS BUREAU ~ MANDATORY NOTIFICATION FORM

Mandatory Notifications ~ In addition to the verbal notification to the on-call IAB Lieutenant, Watch Commanders and Supervising Lieutenants are also required to complete this form and send it to the IAB email group, "IAB Mandatory Notification," whenever any of the following incidents occur **(Check all that apply)**:
(MPP 5-09/434.05 Activation of Force/Shooting Response Teams)

☐	All shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals.	☐	All incidents where Deputy personnel are shot.
☐	Hospitalizations due to injuries caused by any Department member.	☐	Skeletal fractures caused by any Department member.
☐	Significant force used by any Department member during or following a vehicular or foot pursuit.	☐	All large party situations where significant force is used.
☒	Injury or complaint of injury to a person's head or neck area **after contact with a Department member**, e.g., due to their head striking an object, use of force, or as the result of accidental circumstances. **(excludes self-inflicted head injuries)**	☐	Canine bites resulting in medical treatment.
		☐	Any death following a contact with any Department member.
		☐	All Inmate deaths.
☐	At any scene where the Sheriff's Response Team (SRT) is deployed.	☐	Any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel.
☐	**Relieved of Duty or Arrest of a Department member.** (MPP 3-04/020.10; 3-01/030.10; 3-01/050.30) **See Note Below.**	☐	**Arrest, detention or allegation of domestic violence involving a Department member.** (MPP 3-01/030.19) **See Note Below.**

Note: Verbal notification during business hours (0800-1700, Mon-Fri). Send the Mandatory Notification form immediately. The on-call IAB Lieutenant will contact you, if they have any questions.

Mandatory Notification and Response ~ The following incidents require an immediate verbal notification to the on-call IAB Lieutenant who will determine if a Force/Shooting Team response is appropriate.
(No form required if IAB responds)

All shootings in which a shot was intentionally fired at a person by a Department member.	Any type of shooting by a Department member which results in a person being hit.
Force resulting in admittance to a hospital.	Any death following a use of force by any Department member.
All head strikes with impact weapons.	Skeletal fractures, **with the exception of minor fractures of the nose, fingers or toes**, caused by any Department member.
Deliberate kick(s) to an individual's head with a shod foot while the individual is lying on the ground/floor.	Deliberate knee strike(s) to an individual's head while the individual is lying down, causing their head to strike the ground, floor, or other hard, fixed object.
Inmate deaths from other than obvious natural causes. This includes murders, suicides, overdoses, etc.	

Station/Bureau/Facility:	TEMPLE STATION / FOR I	**Incident Date:**	04/07/12	**Incident Time:**	1802
Incident Location:	[redacted] HELEO AVENUE	**City:**	TEMPLE CITY		
URN:	912-03805-0524-064	**IAB Lieutenant Notified:**	VAUGHAN	**Notification Date:**	04/07/12
Notification Time:	2200				
IAB Notified by:	SGT JAMES LONG	**Form Completed by:**	SGT TRI HOANG		

Domestic Violence ~ Arrest, Detention or Allegation involving a Department member

Investigating Agency:		**Agency Rpt.#**		**Charge(s):**	



INTERNAL AFFAIRS BUREAU ~ MANDATORY NOTIFICATION FORM

Involved LASD Personnel: Status: WC = Watch Commander; IP = Involved Personnel

Status	Last Name	First Name	Rank	Emp. #	UOA	Off-Duty/Relieved
WC	Hoang	Tri	Sgt	[redacted]	Temple Station	[redacted]
IP	Vance	Brian	B-I		Temple Station	
IP	[redacted]	[redacted]	DSG		Temple Station	
IP	[redacted]	[redacted]	DSG		Temple Station	
IP	[redacted]	[redacted]	DSG		Temple Station	

Other Involved Person(s): Status: S = Suspect; SJ = Subject; I/M = Inmate; P = Patient

Status	Last Name	First Name	Sex	Race	DOB	Booking Number
S	Dang	Jimmy	M	A	07/01/83	3113676

Pursuits:

☐	**Vehicle**	☐	**Foot**	☐	**Both**

Shootings:

Accidental Discharge:	☐	**Shots Fired at Animals:**	☐	**Type/Breed of Animal: (Pit Bull, etc.)**		**Killed**	☐
						Wounded	☐
						Missed	☐

# of Shots Fired by each Deputy:		**Type of Ammo shot by each Deputy:**		**Type/Brand of Firearm used by each Deputy:**	
				Department issued or Personal Weapon?	

Suspect, Subject, Inmate or Patient Injuries: (Check all that apply)

☒	Abrasions, Bruises, Cuts	☐	Eye Injury	☐	Deceased
☒	Head, Neck, Facial Injury	☐	Minor Skeletal Fractures (Nose, Fingers or Toes)		
☐	Sutures Required	☐	Other	☐	None Observed

If treated, Hospital or Facility Name: San Gabriel Community Hospital (626-289-5454)

Approved for Booking/Housing? (Yes or No) N **If not, immediately contact the on-call IAB Lieutenant.**

Synopsis:

Deputies Brian Vance, [redacted] and [redacted] responded to an Attempt Burglary just occurred call. The Victim of the residence saw the suspect enter her house and observed the suspect flee the location. A containment was established. The suspect was located inside of the containment. Upon contact, the suspect was assaultive/high risk and was tased by



INTERNAL AFFAIRS BUREAU ~ MANDATORY NOTIFICATION FORM

Deputy Vance. The suspect attempted to stand up after being tased and was struck twice in the head by Deputy Vance with his fist. Control techniques were used by Deputies [redacted] [redacted] and [redacted] to control the suspect. Deputy [redacted] applied the Hobble restraint device to control the suspect's leg. The suspect was bleeding from the facial area (unknown cause possible nose or mouth) and had scrapes on his right leg and foot. He was transported by LA County Fire Engine #42 (Capt Moreno and AMR #542) and treated at San Gabriel Community Hospital.

Additional Involved LASD Personnel:	Status: WC = Watch Commander; IP = Involved Personnel					
Status	**Last Name**	**First Name**	**Rank**	**Emp. #**	**UOA**	**Off-Duty/Relieved**

Additional Other Involved Person(s):	Status: S = Suspect; SJ = Subject; I/M = Inmate; P = Patient					
Status	**Last Name**	**First Name**	**Sex**	**Race**	**DOB**	**Booking Number**